

**AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/  
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF  
THE CITY OF NATIONAL CITY**



**COUNCIL CHAMBERS  
CIVIC CENTER  
1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA  
TUESDAY, NOVEMBER 3, 2015 – 6:00 PM**

**RON MORRISON**  
*Mayor*

**JERRY CANO**  
*Vice Mayor*

**ALBERT MENDIVIL**  
*Councilmember*

**MONA RIOS**  
*Councilmember*

**ALEJANDRA SOTELO-SOLIS**  
*Councilmember*

**ORDER OF BUSINESS:** Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Sessions begin at 5:00 p.m. or such other time as noted. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

**REPORTS:** All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website [www.nationalcityca.gov](http://www.nationalcityca.gov).

**PUBLIC COMMENTS:** Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or irrelevant.

**WRITTEN AGENDA:** With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

**CONSENT CALENDAR:** Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of

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the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

*Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.*

*Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audífonos están disponibles en el pasillo al principio de la junta.*

**COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.**



**OPEN TO THE PUBLIC**

**A. CITY COUNCIL**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)**

**PROCLAMATIONS**

**AWARDS AND RECOGNITIONS**

**PRESENTATIONS**

1. [San Diego County Treasurer Tax Collector, Dan McAllister - Treasury Update.](#)

**INTERVIEWS / APPOINTMENTS**

**CONSENT CALENDAR**

2. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
3. [Approval of the Minutes of the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City of October 20, 2015. \(City Clerk\)](#)
4. [A Resolution of the City Council of the City of National City, 1\) rescinding Resolution 2015-142 authorizing the Mayor to execute Amendment No. 2 to the Amended and Restated Memorandum of Understanding \(MOU\) between the San Diego Unified Port District and the City of National City regarding the National City Aquatic Center \(renamed as the Waterfront Adventure Center\) wherein the Port District agrees to contribute an additional \\$223,110 towards completion of the Project; 2\) authorizing the Mayor to execute a revised Amendment No. 2 based on additional language requested and approved by the Board of Port Commissioners at their public meeting held on October 6, 2015; and 3\) authorizing the appropriation of \\$223,110 to the Project, to be reimbursed by the Port District via the terms of the Amendment. \(Engineering\)](#)



5. [National City Sales Tax Update Newsletter - Second Quarter 2015. \(Finance\)](#)
6. [Warrant Register #11 for the period of 09/09/15 through 09/15/15 in the amount of \\$1,989,253.52. \(Finance\)](#)
7. [Warrant Register #12 for the period of 09/16/15 through 09/22/15 in the amount of \\$370,483.75. \(Finance\)](#)
8. [Temporary Use Permit - 8th Annual Christmas on Brick Row hosted by the Community Services Department on December 10, 2015 from 5 p.m. to 8 p.m. at Morgan Square & Brick Row, on "A" Avenue and E. 9th Street. This is a City sponsored event under Policy No. 804. \(Neighborhood Services\)](#)

## **BUSINESS RELATING TO GENERAL MUNICIPAL ELECTION [DATE]**

### **PUBLIC HEARINGS**

9. [Public Hearing – Conditional Use Permit for a Wireless Communications Facility to be located at 116 National City Blvd. \(Applicant: PlanCom, Inc. for Verizon Wireless\) \(Case File 2015-15 CUP\) \(Planning\)](#)
10. [Public Hearing – Conditional Use Permit for a Wireless Communications Facility located at 205 Highland Avenue. \(Applicant: Verizon Wireless\) \(Case File 2015-02 CUP\) \(Planning\)](#)

### **ORDINANCES FOR INTRODUCTION**

### **ORDINANCES FOR ADOPTION**

11. [An Ordinance amending Title 18 \(Zoning\) Chapter 18.24.050 of the National City Municipal Code to add “Adult Day Health Care Facility” as a Conditionally-Allowed Use in the Mixed-Use Zones \(Applicant Horizons Adult Day Health. \(Case File 2015-16 A\) \(Planning\)](#)

### **NON CONSENT RESOLUTIONS**

12. [Resolution of the City Council of the City of National City authorizing, 1\) the Mayor to execute a 20 month Service Agreement, between the City of National City and MediFit Community Services LLC to provide aquatic services at Las Palmas Pool in an amount not to exceed \\$650,000; 2\) the establishment of a General Fund Community Services Contract Services appropriation of \\$200,000 for MediFit management fees and operating costs; 3\) an increase of the General Fund Community Services Building Services internal charges appropriation by up to \\$144,300 to account for gas, electric, water, and chemical costs; 4\) and the establishment of a](#)



General Fund revenue budget to account for user fees of \$112,500.  
(Community Services)

## **NEW BUSINESS**

13. Temporary Use Permit - Safe Routes to School (S.R.T.S.) Safety and Wellness Festival hosted by the National City Police Department and Rady's Children's Hospital on November 19, 2015 from 12 p.m. to 4 p.m. at Las Palmas Park. (Neighborhood Services)
14. Presentation and Discussion of post-redevelopment financing mechanisms recently adopted by the state legislature: Community Revitalization Investment Authorities (AB 2) and Enhanced Infrastructure Financing Districts (SB 628/AB 313). (City Attorney & Community Development)
15. Dispensing with the January 5, 2016 Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City. (City Clerk)

## **B. COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY**

### **PUBLIC HEARINGS- HOUSING AUTHORITY**

### **CONSENT RESOLUTIONS- HOUSING AUTHORITY**

### **NON CONSENT RESOLUTIONS- HOUSING AUTHORITY**

### **NEW BUSINESS- HOUSING AUTHORITY**

## **C. REPORTS**

### **STAFF REPORTS**

### **MAYOR AND CITY COUNCIL**

### **CLOSED SESSION REPORT**

### **ADJOURNMENT**

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - November 17, 2015 - 6:00 p.m. - Council Chambers - National City, California



The following page(s) contain the backup material for Agenda Item: San Diego County Treasurer Tax Collector, Dan McAllister - Treasury Update.





*Dan McAllister*

**SAN DIEGO COUNTY TREASURER-TAX COLLECTOR**



## ***LAST ANNOUNCEMENT FOR THE QUARTER!***

As we head into the last quarter of 2015 and start looking forward to a new year, several important economic issues continue to affect our lives. San Diego County Treasurer-Tax Collector Dan McAllister is interested in talking about the issues at your next meeting or event.

Mr. McAllister can address the following hot topics:

- The economic outlook for 2016
- Where our local housing market is headed
- The future of interest rates
- Capital appreciation bond reform
- County investments (\$8.7 billion)
- What property tax payments mean to your community

Mr. McAllister's calendar fills up quickly for the fourth quarter and the new year, so please call our office at 619.531.5231 to book him for your next event soon. You can also reply to this email to schedule him, providing us with the best time and date for your group.

If you are not the right contact person, please reply to this email with the right person's name and email address so that we can update our records.

We look forward to hearing from you.



**Dan McAllister** was elected to a fourth term in June 2014 by a 99% majority of the vote. His position is responsible for tax collection, banking, investment, disbursement, and accountability of public funds.

**FIND OUT FROM  
THE SAN DIEGO COUNTY  
TREASURER-TAX COLLECTOR  
HIMSELF AND SCHEDULE A  
SPEAKING ENGAGEMENT  
TODAY!**



The following page(s) contain the backup material for Agenda Item: Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. (City Clerk)



**ITEM #2**

**11-3-15**

**MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE  
ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING  
THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR  
ADOPTED AFTER A READING OF THE TITLE ONLY.**

**(CITY CLERK)**



The following page(s) contain the backup material for Agenda Item: Approval of the Minutes of the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City of October 20, 2015. (City Clerk)



Item # \_\_\_\_  
11/03/15

**APPROVAL OF THE MINUTES OF THE REGULAR  
MEETING OF THE CITY COUNCIL AND COMMUNITY  
DEVELOPMENT COMMISSION – HOUSING AUTHORITY  
OF THE CITY OF NATIONAL CITY OF OCTOBER 20, 2015.**

(City Clerk)



DRAFT

DRAFT

DRAFT

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –  
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

**October 20, 2015**

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:08 p.m. by Mayor / Chairman Ron Morrison.

**ROLL CALL**

Council / Board members present: Cano, Mendivil, Morrison, Rios, Sotelo-Solis.  
Administrative Officials present: Dalla, Deese, Duong, Muthusamy, Parra, Raulston, Roberts, Rodriguez, Silva, Vergara, Williams, Ybarra.  
Others present: City Treasurer Mitch Beauchamp and Student Representative Reah Sahagun.

**PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON**

**PUBLIC COMMENTS**

Elizabeth Estrada and Grace Pineda, students at El Toyon School, extended an invitation to their school's spaghetti dinner to benefit 6<sup>th</sup> Grade Camp.

Brian Clapper, National City, spoke about the upcoming One Sight event sponsored by the Lions Club and expressed appreciation for all the assistance provided by the City to make the event possible.

Harry Bennett, representing the Seventh Day Adventist Church and affiliated groups, thanked the City for installing the parking prohibitions they requested on 8<sup>th</sup> Street which have made the area much safer.

**PROCLAMATIONS**

**PROCLAMATION ADMIN (102-2-1)**

1. Proclaiming October 18 through October 24, 2015 as: Freedom from Workplace Bullies Week.



**CITY COUNCIL**

**PRESENTATIONS**

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2015  
(102-10-10)**

2. Update on Trash Rates Stabilization Fund and Recycling Bag Program.  
(Engineering/Public Works)

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item No. 3 (NCMC), Item No. 4 (Minutes), Item Nos. 5 through 13 (Resolution Nos. 2015-150 through 2015-158), Item Nos. 14 and 15 (TUP), Item No. 16 (Report), Item Nos. 17 and 18 (Warrant Registers). Motion by Cano, seconded by Mendivil, to pull Item Nos. 10 and 12, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

**MUNICIPAL CODE 2015 (506-2-30)**

3. MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

**ACTION:** Approved. See above.

**APPROVAL OF MINUTES**

4. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF OCTOBER 6, 2015. (City Clerk)

**ACTION:** Approved. See above.

**CONTRACT (C2010-3)**

5. Resolution No. 2015-150. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A TWO YEAR AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND CLAIMS MANAGEMENT ASSOCIATES, INC. (CMA) FOR LIABILITY RISK MANAGEMENT AND CLAIMS ADJUSTING AND INVESTIGATION SERVICES IN AN AMOUNT NOT TO EXCEED \$150,000. (Human Resources)

**ACTION:** Adopted. See above.



**CONSENT CALENDAR (cont.)**

**GRANT / PUBLIC SAFETY (206-4-27)  
CONTRACT (C2015-56)**

6. Resolution No. 2015-151. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$192,340.00 FROM THE OFFICE OF TRAFFIC SAFETY (OTS) FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT 2016 TO CONDUCT DUI AND TRAFFIC RELATED ENFORCEMENT OPERATIONS FOR THE POLICE DEPARTMENT, AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE AGREEMENT OF THE AWARD OF THE GRANT FUNDS, AND AUTHORIZING THE ESTABLISHMENT OF FUND APPROPRIATIONS AND A CORRESPONDING REVENUE BUDGET. (Police)

**ACTION:** Adopted. See above.

**GRANT / PUBLIC SAFETY (206-4-27)  
FINANCIAL MANAGEMENT 2015-2016 (204-1-31)**

7. Resolution No. 2015-152. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING \$25,000 FROM THE NATIONAL CITY PUBLIC SAFETY FOUNDATION VIA THE FY 2015 ALLIANCE HEALTHCARE FOUNDATION MISSION SUPPORT GRANT, AND AUTHORIZING THE ESTABLISHMENT OF AN APPROPRIATION AND CORRESPONDING REVENUE BUDGET IN THE AMOUNT OF \$25,000 FOR THE RETROFIT OF AN EXISTING UTILITY VEHICLE INTO A PROPOSED EMERGENCY VEHICLE FOR THE NATIONAL CITY FIRE DEPARTMENT. (Fire)

**ACTION:** Adopted. See above.

**FINANCIAL MANAGEMENT 2015-2016 (204-1-31)**

8. Resolution No. 2015-153. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING THE ACCEPTANCE AND EXPENDITURE OF THE ANNUAL ALLOCATION FROM THE REGIONAL SOLID WASTE ASSOCIATION FOR RECYCLING EFFORTS AND INCREASING THE TRASH STABILIZATION FUND APPROPRIATION BY \$1,000. (Engineering/Public Works)

**ACTION:** Adopted. See above.



**CONSENT CALENDAR (cont.)**

**PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)**

9. Resolution No. 2015-154. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF "KEEP CLEAR" PAVEMENT MARKINGS ON THE WESTBOUND TRAVEL LANES OF E. PLAZA BOULEVARD IN FRONT OF BOTH DRIVEWAYS TO SUMMERCREST APARTMENT HOMES LOCATED AT 2617 E. PLAZA BOULEVARD TO FACILITATE INGRESS / EGRESS. (TSC No. 2015-13) (Engineering/Public Works)

**ACTION:** Adopted. See above.

**PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)**

10. Resolution No. 2015-155. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF TIME-RESTRICTED "NO PARKING STREET SWEEPING" SIGNAGE ON BOTH SIDES OF LAUREL AVENUE BETWEEN DIVISION STREET AND E. 4TH STREET. (TSC No. 2015-17) (Engineering/Public Works)

**TESTIMONY:** Enrique Paniagua, National City, expressed appreciation and thanks to City Staff for their advice and assistance helping him clean up his neighborhood.

**ACTION:** Motion by Cano, seconded by Mendivil, to adopt the Resolution. Carried by unanimous vote.

**PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)**

11. Resolution No. 2015-156. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF TIME-RESTRICTED "NO PARKING STREET SWEEPING" SIGNAGE ON BOTH SIDES OF THE 300 BLOCK OF DREXEL AVENUE BETWEEN BELMONT AVENUE AND E. 4TH STREET. (TSC No. 2015-14) (Engineering/Public Works)

**ACTION:** Adopted. See above.

**PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)**

12. Resolution No. 2015-157. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF 80 FEET OF GREEN CURB, TWO-HOUR TIME-RESTRICTED PARKING IN FRONT OF THE COMMERCIAL BUILDING LOCATED AT 905, 907 AND 909 E. 8TH STREET. (TSC No. 2015-15) (Engineering/Public Works)

**ACTION:** Motion by Cano, seconded by Mendivil, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Sotelo-Solis. Nays: Rios. Abstain: None. Absent: None.



**CONSENT CALENDAR (cont.)**

**CONTRACT (C2015-57)**

13. Resolution No. 2015-158. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NATIONAL CITY AND THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY REGARDING THE DISTRIBUTION OF ANTICIPATED SETTLEMENT PROCEEDS FROM THE RSG ARBITRATION MATTER. (City Attorney)

**ACTION:** Adopted. See above.

**TEMPORARY USE PERMITS 2015 (203-1-31)**

14. Temporary Use Permit – Sweetwater High School's Homecoming & Halftime Fireworks Show on November 6, 2015 from 5 p.m. to 10 p.m. at 2900 Highland Avenue. This is a City co-sponsored event per Council Policy No. 804. (Neighborhood Services)

**ACTION:** Approved. See above.

**TEMPORARY USE PERMITS 2015 (203-1-31)**

15. Temporary Use Permit – 9<sup>th</sup> Annual State of the City Address sponsored by the City of National City on November 9, 2015 from 5:00 p.m. to 8:00 p.m. at Cornerstone Church located at 1914 Sweetwater Road. This is a City-sponsored event per Council Policy No. 804. (Neighborhood Services)

**ACTION:** Approved. See above.

**FINANCIAL MANAGEMENT 2015-2016 (204-1-31)**

16. Investment transactions for the month ended August 31, 2015. (Finance)

**ACTION:** Filed. See above.

**WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)**

17. Warrant Register #9 for the period of 08/26/15 through 09/01/15 in the amount of \$2,685,255.11. (Finance)

**ACTION:** Ratified. See above.

**WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)**

18. Warrant Register #10 for the period of 09/02/15 through 09/08/15 in the amount of \$1,004,840.88. (Finance)

**ACTION:** Ratified. See above.



## PUBLIC HEARINGS

### MUNICIPAL CODE 2015 (506-2-30)

19. Public Hearing to Consider an Amendment to Title 18 (Zoning) Chapter 18.24.050 of the National City Municipal Code to add "Adult Day Health Care Facility" as a Conditionally-Allowed Use in the Mixed-Use Zones. (Applicant: Horizons Adult Day Health) (Case File 2015-16 A) (Planning)

**RECOMMENDATION:** Adopt the Amendment to Title 18 (Zoning) of the National City Municipal Code, based on attached findings, and introduce the Ordinance.

**TESTIMONY:** Lorie Hoeussler and Marina Murashova, responded to questions and spoke in favor of Agenda Item Nos. 19 and 26.

**ACTION:** Motion by Cano, seconded by Sotelo-Solis, to close the Public Hearing. Carried by unanimous vote.

Motion by Sotelo-Solis, seconded by Mendivil, to approve Amendment with findings. Carried by unanimous vote.

## ORDINANCES FOR INTRODUCTION

### MUNICIPAL CODE 2015 (506-2-30)

20. AN ORDINANCE AMENDING TITLE 18 (ZONING) CHAPTER 18.24.050 OF THE NATIONAL CITY MUNICIPAL CODE TO ADD "ADULT DAY HEALTH CARE FACILITY" AS A CONDITIONALLY-ALLOWED USE IN THE MIXED-USE ZONES. (Applicant: Horizons Adult Day Health) (Case File 2015-16 A) (Planning) \*\*Companion to Item 19\*\*

## NON CONSENT RESOLUTIONS

### ENGINEERING DEPT - GRANTS / REPORTS ADMIN (1104-1-1)

#### CONTRACT (C2015-58)

21. Resolution No. 2015-159. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING AN URBAN & COMMUNITY FORESTRY GREENHOUSE GAS REDUCTION FUND GRANT AWARD IN THE AMOUNT OF \$250,285 THROUGH THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) TO DEVELOP AN URBAN FOREST MANAGEMENT PLAN FOR NATIONAL CITY; 2) ACCEPTING THE TERMS OF THE GRANT AGREEMENT; AND, 3) AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT. (Engineering/Public Works)

\*\*Companion to Item #22\*\*

**RECOMMENDATION:** Adopt the Resolution accepting an Urban & Community Forestry Greenhouse Gas Reduction Fund grant award in the amount of \$250,285 and authorizing the City Manager to execute the Grant Agreement.



**NON CONSENT RESOLUTIONS (cont.)**

**ENGINEERING DEPT - GRANTS / REPORTS ADMIN (1104-1-1)  
CONTRACT (C2015-58)**

21. Resolution No. 2015-159 (continued).

**TESTIMONY:** None.

**ACTION:** Motion by Sotelo-Solis, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.

**ENGINEERING DEPT - GRANTS / REPORTS ADMIN (1104-1-1)  
FINANCIAL MANAGEMENT 2015-2016 (204-1-31)**

22. Resolution No. 2015-160. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING APPROPRIATION OF REVENUES AND EXPENDITURES, INCLUDING A GENERAL FUND LOCAL MATCH IN THE AMOUNT OF \$26,400, FOR AN URBAN & COMMUNITY FORESTRY GREENHOUSE GAS REDUCTION FUND GRANT AWARD IN THE AMOUNT OF \$250,285 THROUGH THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) TO DEVELOP AN URBAN FOREST MANAGEMENT PLAN FOR NATIONAL CITY. (Engineering/Public Works) \*\*Companion to Item #21\*\*

**RECOMMENDATION:** Adopt the Resolution establishing appropriation of revenues and expenditures for an Urban & Community Forestry Greenhouse Gas Reduction Fund grant award and corresponding local match.

**TESTIMONY:** Mitch Beauchamp, National City, encouraged the City to take steps to maintain trees that are planted.

**ACTION:** Motion by Sotelo-Solis, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.

**FINANCIAL MANAGEMENT 2015-2016 (204-1-31)**

23. Resolution No. 2015-161. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE APPROPRIATION OF \$500,000 FROM LIBRARY CAPITAL OUTLAY FUND FUND BALANCE TO CORRESPONDING EXPENDITURE ACCOUNT FOR IMPROVEMENTS TO THE NATIONAL CITY PUBLIC LIBRARY. (Engineering/Public Works) \*\*Companion to Item #24\*\*

**RECOMMENDATION:** Adopt the Resolution authorizing the appropriation of \$500,000 from Library Capital Outlay Fund to corresponding expenditure account for improvements to the National City Public Library.

**TESTIMONY:** None.

**ACTION:** Motion by Sotelo-Solis, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.



**NON CONSENT RESOLUTIONS (cont.)**

**CONTRACT (C2015-59)**

24. Resolution No. 2015-162. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AWARDED A CONTRACT IN THE NOT-TO-EXCEED AMOUNT OF \$829,232.00 TO M.A. STEVENS CONSTRUCTION, INC. FOR THE NATIONAL CITY PUBLIC LIBRARY IMPROVEMENTS PROJECT, CIP NO. 15-08; 2) AUTHORIZING A 15% CONTINGENCY IN THE AMOUNT OF \$124,384.80 FOR ANY UNFORESEEN CHANGES; AND 3) AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT. (Engineering/Public Works) \*\*Companion to Item #23\*\*

**RECOMMENDATION:** Adopt the Resolution awarding a contract in the not-to-exceed amount of \$829,232.00 to M.A. Stevens Construction, Inc. for the National City Public Library Improvements Project, CIP No. 15-08.

**TESTIMONY:** None.

**ACTION:** Motion by Mendivil, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.

**PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)**

25. Resolution No. 2015-163. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF STOP CONTROL MEASURES ON THE WEST LEG OF THE INTERSECTION OF E. 9TH STREET AND HARBISON PLACE. (TSC No. 2015-16) (Engineering/Public Works)

**RECOMMENDATION:** Adopt the Resolution authorizing the installation of Stop Control on the west leg of the intersection of E. 9<sup>th</sup> Street and Harbison Place.

**TESTIMONY:** A written protest was received from Octavio Lizarraga.

**ACTION:** Motion by Mendivil, seconded by Morrison, to adopt the Resolution. Motion failed by the following vote, to-wit: Ayes: Morrison, Mendivil. Nays: Cano, Rios, Sotelo-Solis. Abstain: None. Absent: None.

**NEW BUSINESS**

**CONDITIONAL USE PERMITS 2015 (403-30-1)**

26. Notice of Decision – Planning Commission approval of a Conditional Use Permit for an adult day health care facility at 1035 Harbison Avenue. (Applicant: Horizons Adult Day Health) (Case File 2015-16 CUP) \*\* Companion to Items #19 and #20\*\* (Planning)

**RECOMMENDATION:** Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.



**NEW BUSINESS (cont.)**

**CONDITIONAL USE PERMITS 2015 (403-30-1)**

26. Notice of Decision – Planning Commission approval of a Conditional Use Permit for an adult day health care facility at 1035 Harbison Avenue (continued).

**TESTIMONY:** Lorie Hoeussler and Marina Murashova, responded to questions and spoke in favor of Agenda Item Nos. 19, 20 and 26.

**ACTION:** Motion by Sotelo-Solis, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.

**CONDITIONAL USE PERMITS 2015 (403-30-1)**

27. Notice of Decision – Planning Commission approval of a Conditional Use Permit for a Wireless Communications Facility located at 205 Highland Avenue. (Applicant: Verizon Wireless) (Case File 2015-02 CUP) (Planning)

**RECOMMENDATION:** Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

**TESTIMONY:** None.

**ACTION:** Motion by Sotelo-Solis, seconded by Mendivil, to set for Public Hearing. Carried by unanimous vote.

**TEMPORARY USE PERMITS 2015 (203-1-31)**

28. Temporary Use Permit – Harvest 2015 hosted by Cornerstone Church of San Diego at 1914 Sweetwater Road on October 30, 2015 from 6 p.m. to 9 p.m. with no waiver of fees. (Neighborhood Services)

**RECOMMENDATION:** Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval.

**TESTIMONY:** None.

**ACTION:** Motion by Mendivil, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.

**TEMPORARY USE PERMITS 2015 (203-1-31)**

29. Temporary Use Permit – Fall Festival hosted by the South Bay Community Church at 2400 Euclid Avenue on October 31, 2015 from 5 p.m. to 9 p.m. with no waiver of fees. (Neighborhood Services)

**RECOMMENDATION:** Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval.

**TESTIMONY:** None.

**ACTION:** Motion by Rios, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.



**NEW BUSINESS (cont.)**

**TEMPORARY USE PERMITS 2015 (203-1-31)**

30. Temporary Use Permit – National City War Memorial Rededication and Ceremony sponsored by the City of National City at 12th Street and "D" Avenue on December 7, 2015 from 12:00 p.m. to 1:00 p.m. (Neighborhood Services)

**RECOMMENDATION:** Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval.

**TESTIMONY:** None.

**ACTION:** Motion by Sotelo-Solis, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.

**XXXXX**

31. Seeking City Council direction on two volunteer programs to assist with landscape maintenance and litter control for highway ramps and the segment of Harbor Drive within the City of National City. (Engineering/Public Works)

**RECOMMENDATION:** None.

**TESTIMONY:** None.

**ACTION:** Motion by Rios, seconded by Mendivil, to have staff look into the programs and bring back more information. Carried by unanimous vote.

**COMMUNITY DEVELOPMENT COMMISSION –  
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

**NO AGENDA ITEMS**

**STAFF REPORTS**

None.

**MAYOR AND CITY COUNCIL**

Student Council Representative Reah Sahagun invited everyone to Sweetwater's Homecoming on November 6<sup>th</sup>.

City Treasurer Mitch Beauchamp praised the Police Department's Use of Force training he participated in, discussed the revenue expected by the City as a result of the Triple Flip Legislation and advised that KPBS would be filming at the Rail Road Museum.



**MAYOR AND CITY COUNCIL (cont.)**

Member Mendivil also praised the Use of Force event he participated in, said he believes it is time to take a look at our Bee Ordinance and that he believes that business owners have an obligation to have clean respectable store fronts.

Member Sotelo-Solis reminded everyone about the Tower of Terror event on October 31<sup>st</sup> and said she looks forward to Sweetwater Homecoming.

Member Rios encouraged employees to attend the Shelter Worker Training scheduled on October 29<sup>th</sup> and reported that Fox 5 News featured two National City Police Officers who promoted the Tip-A-Cop event in conjunction with Red Robin Restaurant to benefit Special Olympics.

Mayor Morrison touched on several upcoming events in the City including the Day of the Dead; advised that Fox Channel 4 continues to run a feature they did on National City and reviewed some of the highlights of SANDAG's recently adopted San Diego Forward Plan.

**CLOSED SESSION REPORT**

City Attorney Claudia Silva stated there was nothing to report from the Closed Session. (See attached Exhibit 'L')

**ADJOURNMENT**

The meeting was adjourned in honor of Henry and Pam Gutierrez, two teachers in the Sweetwater High School District, who were killed in an automobile accident.

Motion by Sotelo-Solis, seconded by Cano, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, November 3, 2015 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 9:01 p.m.

---

City Clerk

The foregoing minutes were approved at the Regular Meeting of November 3, 2015.

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Mayor



## EXHIBIT 'L'



### AGENDA OF A SPECIAL MEETING

#### CITY COUNCIL OF THE CITY OF NATIONAL CITY

Main Conference Room  
Civic Center  
1243 National City Boulevard  
National City, California

Special Meeting – Tuesday, October 20, 2015 – 5:30 p.m.

#### ROLL CALL

#### CLOSED SESSION

#### CITY COUNCIL

1. Conference with Labor Negotiators – Government Code Section 54957.6  
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Frank Parra, Mark Roberts, and Tim Davis  
Employee Organization: Fire Fighters' Association
2. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*Isabel Padilla v. City of National City*  
San Diego Superior Court Case No. 37-2013-00030288

#### ADJOURNMENT

Next Regular City Council Meeting will be held Tuesday, October 20, 2015, 6:00 p.m.,  
Council Chambers, Civic Center



The following page(s) contain the backup material for Agenda Item: A Resolution of the City Council of the City of National City, 1) rescinding Resolution 2015-142 authorizing the Mayor to execute Amendment No. 2 to the Amended and Restated Memorandum of Understanding (MOU) between the San Diego Unified Port District and



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

A resolution of the City Council of the City of National City, 1) rescinding Resolution 2015-142 authorizing the Mayor to execute Amendment No. 2 to the Amended and Restated Memorandum of Understanding (MOU) between the San Diego Unified Port District and the City of National City regarding the National City Aquatic Center (renamed as the Waterfront Adventure Center) wherein the Port District agrees to contribute an additional \$223,110 towards completion of the Project; 2) authorizing the Mayor to execute a revised Amendment No. 2 based on additional language requested and approved by the Board of Port Commissioners at their public meeting held on October 6, 2015; and 3) authorizing the appropriation of \$223,110 to the Project, to be reimbursed by the Port District via the terms of the Amendment.

**PREPARED BY:** Stephen Manganiello

**DEPARTMENT:** Engineering/Public Works

**PHONE:** 336-4382

**APPROVED BY:** \_\_\_\_\_



**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**APPROVED:**  Finance

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ MIS

Appropriate \$223,110 to Account No. 001-409-500-598-3816

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION: ☐ FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

Adopt the Resolution

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Amendment No. 2
3. Resolution



## **EXPLANATION**

On August 13, 2013, the San Diego Unified Port District and the City of National City entered into an Amended and Restated MOU (on file in the Office of the District Clerk as Document No. 607444) related to the National City Aquatic Center, which has since been renamed as the Waterfront Adventure Center.

At the October 27, 2014 Port District Capital Improvement Program Workshop, the Board of Port Commissioners approved the City's request for an additional \$500,000 to complete the Project. Both parties subsequently executed Amendment No. 1 to the Amended and Restated MOU (on file in the Office of the District Clerk as Document No. 63880), thereby increasing the Port District's contribution to the Project by \$500,000.

On September 15, 2015, per City Council Resolution 2015-142, the City Council authorized the Mayor to execute Amendment No. 2 to the Amended and Restated Memorandum of Understanding (MOU) between the San Diego Unified Port District and the City of National City regarding the National City Aquatic Center wherein the Port District agrees to contribute an additional \$223,110 towards completion of the Project.

On October 6, 2015, Port District staff presented Amendment No. 2 to the Board of Port Commissioners at their public meeting. The Board unanimously approved the Amendment with the following conditions:

"The District shall not be obligated to reimburse City for the last \$223,110 of the maximum \$4,633,110 until City has received all of the following and provided copies to District: (1) unconditional waivers and releases from all contractors, subcontractors, material suppliers, equipment lessors, laborers, design professionals, other persons or entities that provided work for the Project, and any other person or entity that filed a stop work notice and/or preliminary notice related to the Project; (2) a Certificate of Occupancy for the Project; (3) Americans with Disabilities Act (ADA) inspection approval for the Project; and (4) recordation of Notice of Completion with the County."

Staff takes no exception to these conditions. Since this new language has been added to Amendment No. 2, staff requests that City Council rescind Resolution 2015-142, which adopted the original Amendment No. 2, and authorize the Mayor to execute the revised Amendment No. 2. Any exceptions taken to the new language or subsequent changes directed by City Council would require taking the item back to the Board of Port Commissioners for their consideration.

Staff also requests the appropriation of \$223,110 to the Project, to be reimbursed by the Port District via the terms of the Amendment.



**AMENDMENT NO. 2 TO THE  
AMENDED AND RESTATED  
MEMORANDUM OF UNDERSTANDING  
BETWEEN SAN DIEGO UNIFIED PORT DISTRICT  
AND THE CITY OF NATIONAL CITY  
REGARDING THE NATIONAL CITY AQUATIC CENTER**

This AMENDMENT NO. 2 TO THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF NATIONAL CITY REGARDING THE NATIONAL CITY AQUATIC CENTER is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation, hereinafter called "District," and the CITY OF NATIONAL CITY, a municipal corporation, hereinafter called "City".

**WHEREAS**, on August 13, 2013, the parties entered into The Amended And Restated Memorandum Of Understanding Between San Diego Unified Port District And The City Of National City Regarding The National City Aquatics Center, on file in the Office of the District Clerk as Document No. 60744, related to the National City Aquatic Center (Project); and

**WHEREAS**, the parties executed Amendment No. 1 To The Amended And Restated Memorandum Of Understanding Between San Diego Unified Port District And The City Of National City Regarding The National City Aquatics Center, on file in the Office of the District Clerk as Document No. 63880.

**WHEREAS**, due to increased costs of the construction, City has requested District increase the not-to-exceed amount of reimbursement under this MOU.

**NOW THEREFORE**, the parties agree that the Amended And Restated Memorandum Of Understanding Between San Diego Unified Port District And The City Of National City Regarding The National City Aquatics Center be amended as follows:

A. Paragraph 2 shall be replaced in its entirety with the following:

2. District agrees to contribute a total amount not to exceed \$4,633,110 to the Project for design and construction as follows:
  - (a) District shall transfer to City \$830,000 to be used towards design and/or construction costs. City acknowledges that this obligation of the District has previously been satisfied in full by a transfer on September 26, 2011.



**(b) District shall reimburse City for Project construction costs in an amount not to exceed \$3,803,110 in accordance with and subject to Section 5 herein.**

**B. Paragraph 3 shall be replaced in its entirety with the following:**

- 3. City agrees to be solely responsible for any Project costs in excess of the \$4,633,110 contribution from the District. City shall not be relieved of any obligations under this MOU due to increased expenses or cost overruns.**

**C. Paragraph 5 shall be amended by adding new subparagraph (g) as follows:**

- g. In addition to the other limitations on reimbursement herein, the District shall not be obligated to reimburse City for the last \$223,110 of the maximum \$4,633,110 until City has received all of the following and provided copies to District: (1) unconditional waivers and releases from all contractors, subcontractors, material suppliers, equipment lessors, laborers, design professionals, other persons or entities that provided work for the Project, and any other person or entity that filed a stop work notice and/or preliminary notice related to the Project; (2) a Certificate of Occupancy for the Project; (3) Americans with Disabilities Act (ADA) inspection approval for the Project; and (4) recordation of Notice of Completion with the County.**

**D. All remaining terms shall remain in full force and effect.**

**SIGNATURE PAGE FOLLOWS**



**IN WITNESS WHEREOF**, parties hereto have executed this Amendment No. 2 To Amended And Restated Memorandum Of Understanding Between San Diego Unified Port District And The City Of National City Regarding The National City Aquatics Center as of the day and the year first above written.

**APPROVED AS TO FORM AND LEGALITY      SAN DIEGO UNIFIED PORT DISTRICT**

By \_\_\_\_\_  
Deputy General Counsel

By \_\_\_\_\_  
Karen G. Porteous  
EVP, Administration

**APPROVED AS TO FORM:**

**CITY OF NATIONAL CITY**

By \_\_\_\_\_  
Claudia G. Silva  
City Attorney

By \_\_\_\_\_  
Ron Morrison  
Mayor



RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
RESCINDING RESOLUTION 2015-142 APPROVING AMENDMENT NO. 2  
TO THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING  
BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF  
NATIONAL CITY REGARDING THE NATIONAL CITY AQUATIC CENTER  
(RENAMED AS THE WATERFRONT ADVENTURE CENTER); AUTHORIZING  
THE MAYOR TO EXECUTE A REVISED AMENDMENT NO. 2 TO  
THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING  
WHEREIN THE PORT DISTRICT AGREES TO CONTRIBUTE AN  
ADDITIONAL \$223,110 TOWARDS COMPLETION OF THE PROJECT,  
BASED ON ADDITIONAL LANGUAGE REQUESTED AND APPROVED  
BY THE BOARD OF PORT COMMISSIONERS AT THEIR PUBLIC MEETING  
HELD ON OCTOBER 6, 2015; AND AUTHORIZING THE APPROPRIATION  
OF \$223,110 TO THE PROJECT, WHICH WILL BE REIMBURSED  
BY THE PORT DISTRICT SUBJECT TO THE TERMS OF THE AMENDMENT

WHEREAS, on August 6, 2013, the City Council adopted Resolution No. 2013-119 entering into an Amended and Restated Memorandum of Understanding (“MOU”) related to the National City Aquatic Center (renamed the Waterfront Adventure Center) between the San Diego Unified Port District and the City of National City; and

WHEREAS, at the October 27, 2014 Port District Capital Improvement Program Workshop, the Board of Port Commissioners approved the City’s request for an additional \$500,000 to complete the Project; and

WHEREAS, on December 16, 2014, the City Council adopted Resolution No. 2014-175 entering into Amendment No. 1 of the Amended and Restated MOU increasing the Port District’s contribution to the Project by \$500,000; and

WHEREAS, on September 15, 2015, the City Council adopted Resolution No. 2015-142, authorizing the Mayor to execute Amendment No. 2 to the Amended and Restated Memorandum of Understanding wherein the Port District agreed to contribute an additional \$223,110 towards completion of the Project; and

WHEREAS, at a public meeting on October 6, 2015, the Board of Port Commissioners unanimously approved the additional \$223,110, but revised Amendment No. 2 to add conditions to the reimbursement of the \$223,110, as follows:

The District shall not be obligated to reimburse City for the last \$223,110 of the maximum \$4,633,110 until City has received all of the following and provided copies to District: (1) unconditional waivers and releases from all contractors, subcontractors, material suppliers, equipment lessors, laborers, design professionals, other persons or entities that provided work for the Project, and any other person or entity that filed a stop work notice and/or preliminary notice related to the Project; (2) a Certificate of Occupancy for the Project; (3) Americans with Disabilities Act (ADA) inspection approval for the Project; and (4) recordation of Notice of Completion with the County.

; and



WHEREAS, staff takes no exception to these conditions added to Amendment No. 2. and requests that the City Council rescind Resolution 2015-142, which adopted the original Amendment No. 2, and authorize the Mayor to execute the revised Amendment No. 2; and

WHEREAS, an appropriation of \$223,110 to the Project is necessary, which will be reimbursed by the Port District subject to the terms of Amendment No. 2.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby rescinds Resolution No. 2015-142, adopted on September 15, 2015.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to execute a revised Amendment No. 2 to the Amended and Restated Memorandum of Understanding related to the National City Aquatic Center (renamed the Waterfront Adventure Center) between the San Diego Unified Port District and the City of National City wherein the Port District agrees to contribute an additional \$223,110 towards completion of the Project based on additional language requested and approved by the Board of Port Commissioners at their public meeting held on October 6, 2015.

BE IT FURTHER RESOLVED that the City Council authorizes the appropriation of \$223,110 to the Project, which will be reimbursed by the Port District subject to the terms of the Amendment.

PASSED and ADOPTED this 3rd day of November, 2015.

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Ron Morrison, Mayor

ATTEST:

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Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

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Claudia Gacitua Silva  
City Attorney



The following page(s) contain the backup material for Agenda Item: National City Sales Tax Update Newsletter - Second Quarter 2015. (Finance)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.**

**ITEM TITLE:**

National City Sales Tax Update Newsletter – Second Quarter 2015

**PREPARED BY:** Ed Prendell, Budget Analyst

**DEPARTMENT:** Finance

**PHONE:** 619-336-4332

**APPROVED BY:** 

**EXPLANATION:**

**BACKGROUND**

National City has an on-going contract with Hinderliter, de Llamas & Associates (HdL) for revenue management. Staff meets with a representative of HdL on a quarterly basis to review sales tax data & trends within the City & Statewide.

**NEWSLETTER SUMMARY**

National City's allocation of sales and use tax from its April through June sales was 5.4% higher than the same quarter one year ago.

A solid quarter for autos, building materials and restaurants were the primary contributors to the overall increase. A rise in the countywide use tax allocation pool of which the city received a 3.1% share, was also a factor. The gains were partially offset by declining fuel prices, the previous loss of an industrial supply operation and the correction of a reporting error within the electronics/appliance stores classification.

National City's voter approved Measure "D" tax added \$2,512,597 to the amounts discussed above and was 2.2% higher than last year's comparable quarter. The gains in this source came primarily from increased auto sales, business purchases and restaurant activity.

Adjusted for aberrations, sales and use tax receipts for all of San Diego County increased 3.4% over the comparable time period, while Southern California as a whole, was up 3.2%.

**FINANCIAL STATEMENT:**

**APPROVED:** 

Finance

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_

MIS

NA

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION: ☐

FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

Accept and file the newsletter.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

National City Sales Tax Update Newsletter – Second Quarter 2015



# Q2 2015



# National City Sales Tax *Update*

*Third Quarter Receipts for Second Quarter Sales (April - June 2015)*

## National City In Brief

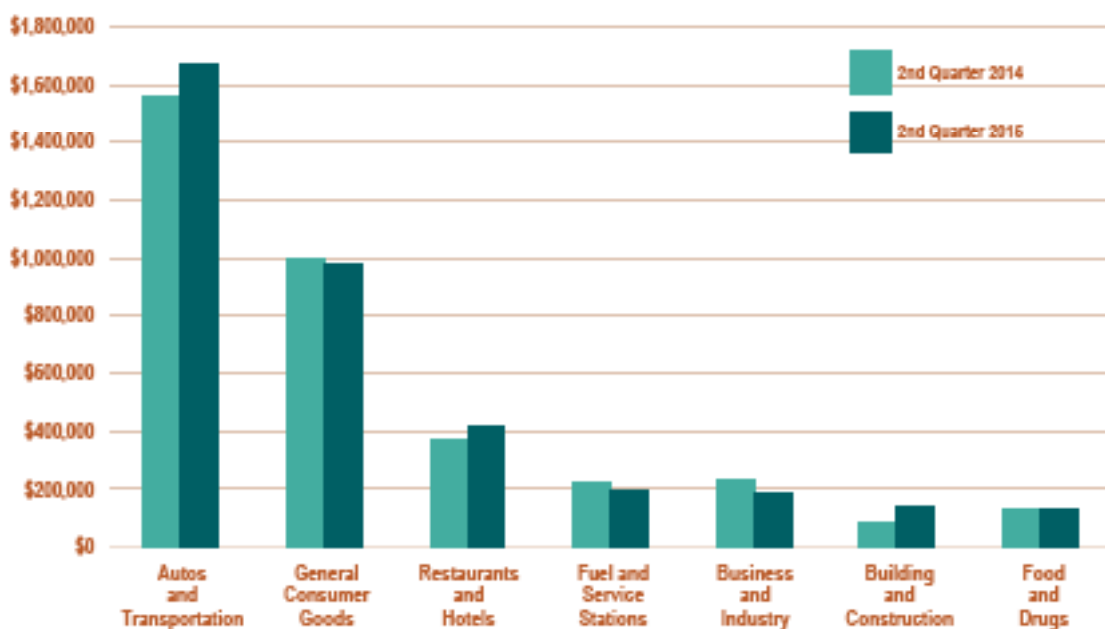
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Adjusted for aberrations, sales and use tax receipts for all of San Diego County increased 3.4% over the comparable time period, while Southern California as a whole, was up 3.2%.

## SALES TAX BY MAJOR BUSINESS GROUP



## TOP 25 PRODUCERS

IN ALPHABETICAL ORDER

Arco AM PM	Ross Dress for Less
Ball Honda Acura	South Bay Volkswagen
Mitsubishi Suzuki	South County Buick GMC
Kia	Sweetwater Harley Davidson
Frank Hyundai	Target
Frank Subaru	Tesoro Refining & Marketing
Frank Toyota Scion	Univar
Highland Arco	Vintners Shell Stations
JC Penney	Walmart
Macys	Wescott Mazda
Mossy Nissan	Westair Gases & Equipment
Nordstrom Rack	
Perry Chrysler Dodge Jeep Ram	
Perry Ford	
Probuild Company	
Ron Baker Chevrolet	

## REVENUE COMPARISON

One Quarter - Fiscal Year To Date

	2014-15	2015-16
Point-of-Sale	\$3,578,289	\$3,714,202
County Pool	446,330	527,898
State Pool	2,735	3,160
Gross Receipts	\$4,027,354	\$4,245,260
Less Triple Flip*	\$(1,006,839)	\$(1,061,315)
Measure D	\$2,506,082	\$2,560,552



### Statewide Sales Tax Trends

Excluding accounting aberrations, the local one cent share of statewide sales occurring April through June was 3.4% higher than the comparable quarter of 2014.

Receipts from the countywide use tax allocation pools accounted for the largest portion of the increase reflecting a continuing shift in consumer preferences from brick and mortar stores to online shopping for merchandise shipped from out of state.

Sales and leases of new cars continued to post impressive gains as did contractor supplies and restaurants. Overall gains were offset by a 17.1% decline in receipts from service stations and petroleum related industries.

### The Remaining Fiscal Year

The state's unemployment rate continues to decline and real disposable income is expected to grow 2.5% to 3.0% in the second half of 2015. This improvement in incomes coupled with easy credit conditions should stimulate an increase in housing starts as well as capital investment in equipment, alternate energy and technology.

The auto industry is anticipating continuing strong sales until tapering to more sustainable levels in 2016-2017. Building and construction, the only retail segment yet to return to pre-recession levels, is gaining momentum in several regions and is expected to account for 10% of sales tax growth in the second half of the fiscal year.

Restaurant sales continue to rise although there are some concerns that the strong dollar may impact sales in areas that cater to tourists from abroad. Gains from consumer goods are expected to be modest with the strong dollar cutting prices of imported goods and an ongoing shift in consumer spending from tangible goods to services, entertainment and other non-taxable purchases.

Gasoline prices remain well below the previous year due to a worldwide glut

of oil. Barring unexpected supply or refinery disruptions, prices are expected to trend lower through the first half of 2015-16 but begin rebounding in the second half.

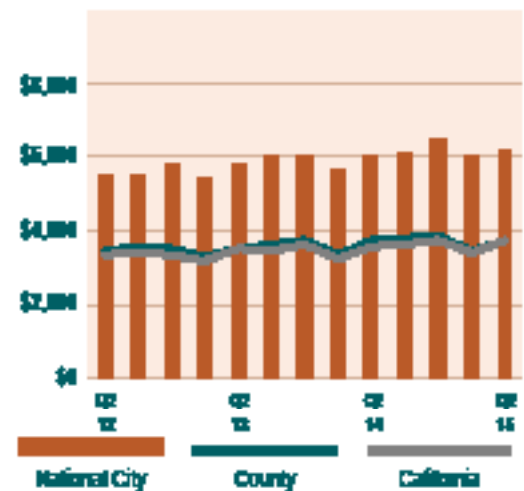
### Internet Sales Tax Proposal

HR 2775 (The Remote Transaction Parity Act) is a new proposal by Representative Jason Chaffetz (R-Utah) authorizing states to require remote sellers without physical presence in their state to collect state and local sales tax from in-state buyers.

The bill currently has 52 sponsors and attempts to address objections to elements of the Marketplace Fairness Act that preceded it. The proposal provides for a three year phase in for small businesses, prohibits auditing remote sellers with annual sales under \$5 million, and requires states to provide software to enable remote sellers to collect and remit their tax.

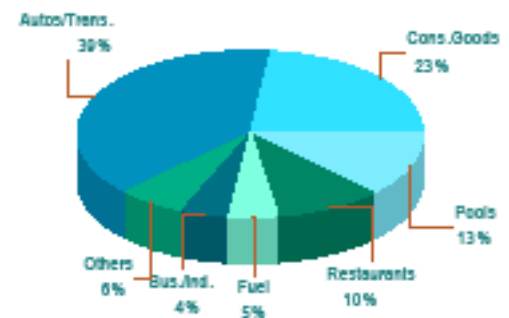
The Board of Equalization estimates that local governments in California currently lose approximately \$44 per capita in uncollected sales and use tax on e-commerce purchases.

### SALES PER CAPITA



### REVENUE BY BUSINESS GROUP

National City This Quarter



### NATIONAL CITY TOP 15 BUSINESS TYPES

*In thousands				
Business Type	Q2 '15*	National City Change	County Change	HdL State Change
Auto Lease	\$4.4	-3.7%	28.8%	26.5%
Auto Repair Shops	\$1.3	10.4%	4.8%	7.2%
Casual Dining	\$43.1	6.8%	6.8%	5.8%
Department Stores	\$53.3	6.0%	-3.3%	-2.1%
Discount Dept Stores	— CONFIDENTIAL —		8.9%	-0.1%
Electronics/Appliance Stores	\$8.4	-27.7%	-6.5%	-1.3%
Family Apparel	\$64.2	-3.0%	1.3%	2.8%
Heavy Industrial	\$25.8	16.3%	29.3%	11.9%
Lumber/Building Materials	— CONFIDENTIAL —		4.2%	4.4%
New Motor Vehicle Dealers	1,315.1	5.2%	9.2%	9.2%
Quick-Service Restaurants	\$27.2	12.9%	6.7%	9.2%
Service Stations	\$57.2	-12.0%	-9.8%	-11.7%
Specialty Stores	\$8.1	10.7%	2.3%	5.9%
Used Automotive Dealers	\$11.8	13.7%	3.0%	14.8%
Women's Apparel	\$78.8	-12.7%	-9.8%	-3.6%
<b>Total All Accounts</b>	<b>\$3,714.2</b>	<b>3.8%</b>	<b>2.2%</b>	<b>2.8%</b>
<b>County &amp; State Pool Allocation</b>	<b>\$531.1</b>	<b>18.3%</b>	<b>16.4%</b>	<b>11.8%</b>
<b>Gross Receipts</b>	<b>\$4,245.3</b>	<b>5.4%</b>	<b>3.8%</b>	<b>3.8%</b>



The following page(s) contain the backup material for Agenda Item: Warrant Register #11 for the period of 09/09/15 through 09/15/15 in the amount of \$1,989,253.52.  
(Finance)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Warrant Register #11 for the period of 09/09/15 through 09/15/15 in the amount of \$1,989,253.52.  
(Finance)

**PREPARED BY:** K. Apalategui

**PHONE:** 619-336-4572

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, attached are the warrants issued for the period of 09/09/15 through 09/15/15.

Consistent with Department of Finance practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Northrop Grumman Corp	319534	73,828.00	Automated Field Reporting Maintenance
Kimley Horn and Assoc Inc	319574	83,690.86	Paradise Creek Restoration
New Century Construction	319583	212,427.60	D Ave & 12 <sup>th</sup> St Roundabout
Project Professionals Corp	319588	104,079.99	12 <sup>th</sup> & D Roundabout
Public Emp Ret System	9112015	348,490.12	Service Period 8/18/15 – 8/31/15

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

Reimbursement total \$1,989,253.52

**APPROVED:** 

Finance

**APPROVED:** \_\_\_\_\_

MIS

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** ☐ **INTRODUCTION:** ☐

**FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Ratification of warrants in the amount of \$1,989,253.52

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Warrant Register #11





# WARRANT REGISTER #11

9/15/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MORRISON, R	LINENS/2015 STATE OF THE CITY ADDRESS	319533	9/10/15	736.53
NORTHROP GRUMMAN CORPORATION	AUTOMATED FIELD REPORTING MAINTENANCE	319534	9/10/15	73,828.00
4 IMPRINT INC	VALUE GROCERY TOTE BAGS / POLICE	319535	9/15/15	445.81
AIRGAS WEST	MOP#45714 MATERIALS / PW	319536	9/15/15	800.50
ARCO GASPRO PLUS	FUEL FOR CITY FLEET / PW	319537	9/15/15	36,746.41
AZTEC APPLIANCE	CITY WIDE APPLIANCE PURCHASES / PW	319538	9/15/15	2,258.18
BAVENCOFF JR, D	REIMB: INSTRUCTOR CERTIFICATION	319539	9/15/15	96.00
BAVENCOFF JR, D	REIMB: SHERMAN BLOCK SUPERVISORY	319540	9/15/15	60.00
BLACKIE'S TROPHIES AND AWARDS	MOP# 67727 METAL NAME TAG	319541	9/15/15	15.12
BOOT WORLD	MOP# 64096 WEARING APPAREL	319542	9/15/15	116.62
BRIAN COX MECHANICAL INC	SERVICE / OUTDOOR FAN MOTOR	319543	9/15/15	300.00
BSN SPORTS	BSN SPORTS ELECTRIC INFLATOR / CSD	319544	9/15/15	130.79
CA ASSOCIATION OF CODE ENFORCEMENT	REGISTRATION: ANNUAL SEMINAR-OLSON	319545	9/15/15	359.00
CA ASSOCIATION OF CODE ENFORCEMENT	REGISTRATION: ANNUAL SEMINAR-SORIANO	319546	9/15/15	359.00
CALIFORNIA COMMERCIAL SECURITY	MOP#45754 BUILDING MATERIALS	319547	9/15/15	1,853.05
CALIFORNIA ELECTRIC SUPPLY	MOP#45698 ELECTRICAL MATERIALS	319548	9/15/15	84.87
CEB	CA EASEMENTS & BOUNDARIES LAW	319549	9/15/15	162.31
CEB	CA SUBDIVISION MAP ACT	319550	9/15/15	160.15
COMMERCIAL AQUATIC SERVICE INC	CITY WIDE MOTOR & PUMP REPAIR / PW	319551	9/15/15	757.42
COUNTY OF SAN DIEGO	REQUEST OF BUILDING RECORDS	319552	9/15/15	22.00
COUNTY OF SAN DIEGO	REQUEST OF BUILDING RECORDS	319553	9/15/15	10.00
COUNTY OF SAN DIEGO	COPIES OF ASSESOR'S RECORDS	319554	9/15/15	4.00
COURTYARD BY MARRIOTT	RESERVATION HOTEL/NACOLE CONF/MAXILOM	319555	9/15/15	1,302.50
CULLIGAN	WATER SOFTENER - NUTRITION CENTER	319556	9/15/15	210.50
DIVISION OF THE STATE ARCHITECT	DISABILITY ACCESS/EDUCATION FUND	319557	9/15/15	739.80
DIVISION OF THE STATE ARCHITECT	DISABILITY ACCESS/EDUCATION FUND	319558	9/15/15	126.60
E2 MANAGE TECH INC	WEST SIDE SAMPLING	319559	9/15/15	23,940.55
ENTERPRISE FLEET MANAGEMENT	ENTERPRISE FLEET LEASE	319560	9/15/15	14,483.20
ESGIL CORPORATION	PLAN CHECK AND CONSULTING SERVICES	319561	9/15/15	2,382.90
FOREIGN SPEEDO INC	SPEEDOMETER CHECKS ON PATROL VEHICLES	319562	9/15/15	35.00
GARCIA, B	ED REIMBURSEMENT	319563	9/15/15	250.00
GEOSYNTEC CONSULTANTS INC	EDUCATION VILLAGE REDEVELOP	319564	9/15/15	4,708.65
GOODYEAR TIRE & RUBBER COMPANY	TIRES FOR CITY FLEET	319565	9/15/15	552.83
GRAINGER	MOP#65179 PLUMBING MATERIALS	319566	9/15/15	287.21
GTC SYSTEMS INC	NETWORK ENGINEERING SERVICES FY16	319567	9/15/15	1,755.00
HARRIS & ASSOCIATES	LEGAL / PROFESSIONAL SERVICES	319568	9/15/15	1,060.00
HERNANDEZ, M	REIMB: CCUG TRAINING SEMINAR / PD	319569	9/15/15	107.94
INNOVATIVE CONSTRUCTION	A AVE GREEN STREET IMPROVE	319570	9/15/15	43,335.00
IRON MOUNTAIN	RECORDS/DOCUMENT STORAGE	319571	9/15/15	160.88
JERAULDS CAR CARE CENTER	MOP#72449 AUTO PARTS	319572	9/15/15	145.00
JOHN DEERE LANDSCAPES	MOP#69277 HORTICULTURAL ITEMS	319573	9/15/15	486.00
KIMLEY HORN AND ASSOC INC	PARADISE CREEK RESTORATION	319574	9/15/15	83,690.86
KNOX ATTORNEY SERVICE INC	STIPULATED PROTECTIVE ORDER	319575	9/15/15	19.95
KTU&A	NC MARINA WATERFRONT PLAN	319576	9/15/15	19,040.00
LASER SAVER INC	MOP 45725 INK CARTRIDGE - ENG	319577	9/15/15	119.79
MAINTEX INC	JANITORIAL SUPPLIES-FACILITIES	319578	9/15/15	901.19
MASON'S SAW	MOP#45729 HORTICULTURAL ITEMS	319579	9/15/15	163.93
NACOLE	REGISTRATION: CIVILIAN OVERSIGHT OF LAW	319580	9/15/15	1,250.00
NATIONAL CITY CAR WASH	MOP#72454 AUTO EQUIPMENT	319581	9/15/15	350.00





**WARRANT REGISTER #11**  
**9/15/2015**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
NAVARRO, L	REIMB: DUI SEMINAR / POLICE	319582	9/15/15	88.48
NEW CENTURY CONSTRUCTION INC	D AVE & 12TH ST ROUNDABOUT	319583	9/15/15	212,427.60
PACIFIC SAFETY COUNCIL	FORKLIFT TRAINING - R HUERTA	319584	9/15/15	575.00
PARADISE CREEK HOUSING PARTNER	REMOVE 27LF 18 STORM DRAIN/2100 HOOVER	319585	9/15/15	12,332.00
PENSKE FORD	MOP#49078 AUTO PARTS	319586	9/15/15	69.87
PERRY FORD	R & M CITY VEHICLES	319587	9/15/15	2,190.85
PROJECT PROFESSIONALS CORP	12TH & D ROUNDABOUT	319588	9/15/15	104,079.99
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SVC - NSD	319589	9/15/15	51.81
S D COUNTY SHERIFF'S DEPT	SD CO RANGE USE / POLICE	319590	9/15/15	200.00
SAFDIE RABINES ARCHITECTS	AQUATIC CENTER	319591	9/15/15	16,207.13
SAN DIEGO UNION TRIBUNE	LEGAL NOTICES ADVERTISING	319592	9/15/15	644.40
SDCHCC	25TH ANNIVERSARY GALA / MORRISON/FLORES	319593	9/15/15	170.00
SDCHCC	25TH ANNIVERSARY GALA / VM CANO	319594	9/15/15	85.00
SDG&E	GAS & ELECTRIC / FACILITIES	319595	9/15/15	38,034.57
SEAPORT MEAT COMPANY	PENDING BALANCE/CREDITS PROCESSED TWICE	319596	9/15/15	335.81
SMART & FINAL	MOP 45756 MISC SUPPLIES - COMM SVC	319597	9/15/15	138.15
SNAP ON INDUSTRIAL	SPACE-SAVING TOOLS	319598	9/15/15	30,373.07
SOUTH BAY MOTORSPORTS	R & M CITY VEHICLES	319599	9/15/15	294.09
SOUTHERN CALIF TRUCK STOP	MOP#45758 OIL AND LUBRICANTS / PW	319600	9/15/15	167.83
STAPLES ADVANTAGE	MOP 45704 OFFICE SUPPLIES - NUTRITION	319601	9/15/15	388.66
SWEETWATER AUTHORITY	WATER SERVICE / FACILITIES	319602	9/15/15	11.36
T MAN TRAFFIC SUPPLY	MOP#76666 TRAFFIC CONTROL SUPPLY	319603	9/15/15	730.17
THOMSON REUTERS WEST	ON-LINE LEGAL RESEARCH	319604	9/15/15	1,904.60
TRITECH SOFTWARE SYSTEMS	PROXY CONFIGURATION TO FIX RECORDS	319605	9/15/15	7,980.00
U S BANK	CREDIT CARD EXPENSE - COMM SVC	319606	9/15/15	577.23
U S HEALTHWORKS	PRE-EMPLOYMENT PHYSICALS	319607	9/15/15	1,690.00
UTRERAS, J	REFUND: PERMIT 71865; 1905 E AVE	319608	9/15/15	81.90
VALLEY INDUSTRIAL SPECIALTIES	MOP#46453 PLUMBING MATERIALS	319609	9/15/15	1,855.46
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL VET CARE / POLICE	319610	9/15/15	1,322.78
VCA MAIN ST ANIMAL HOSPITAL	K9 VET CARE / POLICE	319611	9/15/15	35.47
VISTA PAINT	MOP#68834 TRAFFIC CONTROL SUPPLIES	319612	9/15/15	125.37
WESTFLEX INDUSTRIAL	MOP#63850 TRAFFIC CONTROL SUPPLIES	319613	9/15/15	46.90
WILLY'S ELECTRONIC SUPPLY	MOP#45763 MISC SUPPLIES - MIS	319614	9/15/15	238.24

**A/P Total 756,364.83**

**WIRED PAYMENTS**

PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 08/18/15 - 08/31/15	9112015	9/11/15	348,490.12
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**PAYROLL**

Pay period	Start Date	End Date	Check Date	
19	9/1/2015	9/14/2015	9/23/2015	884,398.57

**GRAND TOTAL**

**\$ 1,989,253.52**



## Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.

  
MARK ROBERTS, FINANCE

\_\_\_\_\_  
LESLIE DEESE, CITY MANAGER

### FINANCE COMMITTEE

\_\_\_\_\_  
RONALD J. MORRISON, MAYOR-CHAIRMAN

\_\_\_\_\_  
JERRY CANO, VICE-MAYOR

\_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MEMBER

\_\_\_\_\_  
MONA RIOS, MEMBER

\_\_\_\_\_  
ALBERT MENDIVIL, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3<sup>rd</sup> OF NOVEMBER, 2015.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_



The following page(s) contain the backup material for Agenda Item: Warrant Register #12 for the period of 09/16/15 through 09/22/15 in the amount of \$370,483.75. (Finance)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Warrant Register #12 for the period of 09/16/15 through 09/22/15 in the amount of \$370,483.75.  
(Finance)

**PREPARED BY:** K. Apalategui

**DEPARTMENT:** Finance

**PHONE:** 619-336-4572

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, attached are the warrants issued for the period of 09/16/15 through 09/22/15.

Consistent with Department of Finance practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Honeywell International Inc	319671	60,874.63	City Wide HVAC Maintenance / PW
SDG&E	319707	55,422.53	Gas & Electric Utilities

**FINANCIAL STATEMENT:**

**APPROVED:**  Finance

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ MIS

Reimbursement total \$370,483.75

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Ratification of warrants in the amount of \$370,483.75

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Warrant Register #12





## WARRANT REGISTER #12

9/22/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ALDEMCO	CONSUMABLES- NUTRITION CENTER	319615	9/22/15	3,566.39
ALL FRESH PRODUCTS	CONSUMABLES- NUTRITION CENTER	319616	9/22/15	1,139.21
AMERICAN AWARDS	APPRECIATION PLAQUE / MISS NATIONAL CITY	319617	9/22/15	54.50
APPLIANCE PARTS CENTER INC	MAIN BOARD / PARKS	319618	9/22/15	145.94
CUDAL, A	REIMB: CANCELLED ZONING LETTER	319619	9/22/15	75.00
ASPEN RISK MANAGEMENT GROUP	LIABILITY CLAIMS ADMIN & RISK SERVICES	319620	9/22/15	3,731.00
ASSI SECURITY INC	REPLACEMENT OF DSX BOARD / PW	319621	9/22/15	980.00
AT&T	PHONE SERVICES / 8/01/15 - 8/31/15	319622	9/22/15	357.32
AT&T	PHONE SERVICES / 9/06/2015	319623	9/22/15	43.95
AT&T MOBILITY	WIRELESS SERVICE / 6/6/15 - 7/5/15	319624	9/22/15	801.02
AUSTIN DOORS	CITY WIDE ROLL UP DOOR SERVICES AND	319625	9/22/15	660.64
AZTEC APPLIANCE	CITY WIDE APPLIANCE PURCHASES	319626	9/22/15	355.32
BEST BEST & KRIEGER ATTNY LAW	LIABILITY CLAIM COSTS	319627	9/22/15	5,754.00
BJ'S RENTALS	RENTAL FOR LIFT SCISSOR / PW	319628	9/22/15	485.33
BOOT WORLD	MOP#64096 WORK APPAREL	319629	9/22/15	466.48
BPI PLUMBING	CITY WIDE PLUMBING SERVICE AND REPAIRS	319630	9/22/15	758.44
BRIAN COX MECHANICAL INC	PREVENTATIVE MAINTENANCE / PW	319631	9/22/15	266.00
BROADWAY AUTO GLASS	MATERIAL- WINDSHIELD TINT	319632	9/22/15	197.00
CA ASSOCIATION OF CODE ENFORCEMENT	REGISTRATION: 2015 SEMINAR- P SOSA	319633	9/22/15	359.00
CA ASSOCIATION OF CODE ENFORCEMENT	CERTIFICATION FOR CCO - P SOSA	319634	9/22/15	150.00
CA ASSOCIATION OF CODE ENFORCEMENT	CERTIFICATION FOR CCO - R SORIANO	319635	9/22/15	150.00
CALIFORNIA COMMERCIAL SECURITY	CITY WIDE ELECTRONIC DOOR REPAIRS AND	319636	9/22/15	1,716.48
CALIFORNIA ELECTRIC SUPPLY	MOP#45698 ELECTRICAL MATERIALS	319637	9/22/15	30.99
CELLEBRITE USA, INC.	ULTIMATE SOFTWARE SUPPORT / PD	319638	9/22/15	3,098.99
CLEAN HARBORS	HOUSEHOLD HAZARDOUS WASTE	319639	9/22/15	488.50
COOPER'S PLUMBING & HEATING	INSTALLED 3/4" BACKFLOW DEVICE	319640	9/22/15	856.39
COSTAR REALTY INFORMATION	PROFESSIONAL SERVICES / HOUSING	319641	9/22/15	3,152.14
COUNTY OF SAN DIEGO	SHARE OF PC REVENUE - AUG 2015	319642	9/22/15	9,105.00
COUNTY OF SAN DIEGO	REGIONAL COMMUNICATIONS SYSTEMS	319643	9/22/15	7,810.00
COUNTY OF SAN DIEGO	MAIL PROCESSING SERVICES	319644	9/22/15	608.40
COUNTY OF SAN DIEGO	HIRT MEMBERSHIP FY2016 / FIRE	319645	9/22/15	1,622.61
COX COMMUNICATIONS	INTERNET SERVICE / 9/7/15 - 10/6/15	319646	9/22/15	3,609.04
CPRS AGING SERVICES	MEMBERSHIP RENEWAL - A DENHAM	319647	9/22/15	475.00
CULLIGAN	WATER SOFTNER - NUTRITION CENTER	319648	9/22/15	215.50
CYNTHIA TITGEN CONSULTING INC	RISK MANAGMENT CONSULTANT SVCS	319649	9/22/15	2,612.50
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET	319650	9/22/15	2,190.33
DAY WIRELESS SYSTEMS (20)	BOSCH STATION ALERTING / FIRE	319651	9/22/15	632.92
DAY WIRELESS SYSTEMS (20)	PROGRAMMING INTERFACE CABLE/FIRE	319652	9/22/15	824.26
DELTA DENTAL	COBRA DENTAL INS - AUG 2015	319653	9/22/15	370.89
DISCOUNT SPECIALTY CHEMICALS	MALODOR COUNTERACTANT / PW	319654	9/22/15	250.44
DISNEY'S PARADISE PIER HOTEL	CACEO ANNUAL SEMINAR - HOTEL / OLSON/SORIANO	319655	9/22/15	355.26
DISNEY'S PARADISE PIER HOTEL	CACEO ANNUAL SEMINAR - HOTEL / SOSA	319656	9/22/15	325.26
D-MAX ENGINEERING	REFUND: DEPOSIT#90112; TECH REPORT	319657	9/22/15	952.50
DURON, C	EDUCATIONAL REIMBURSEMENT	319658	9/22/15	450.00
ECOLAB	SUPPLIES FOR DISHWASHER	319659	9/22/15	178.18
EMERGENCY EQPT ENGINEERING	LEATHER GEAR- POLICE	319660	9/22/15	192.63
FEDEX	TRANSPORTATION CHARGES	319661	9/22/15	20.39
FON JON PET CARE CENTER	MONTHLY BOARD & K9 CARE	319662	9/22/15	455.00
GARCIA, B	EDUCATIONAL REIMBURSEMENT	319663	9/22/15	250.00





**WARRANT REGISTER #12**  
**9/22/2015**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
GEORGE H WATERS NUTRITION CTR	NH COUNCIL BREAKFAST	319664	9/22/15	1,062.50
GOODYEAR TIRE & RUBBER COMPANY	TIRES FOR CITY FLEET	319665	9/22/15	791.27
GOVCONNECTION INC	SURFACE PRO 3 TABLETS I5 8GB / MIS	319666	9/22/15	6,485.05
GRAINGER	3EB50- PANEL SAW / ENG	319667	9/22/15	4,423.27
GRANICUS INC	GRANICUS WEBCASTING / MIS	319668	9/22/15	4,432.05
HEALTH NET	INS - R1192Q - AUG 2015	319669	9/22/15	1,726.35
HEALTH NET	INS N5992F - SEPT 2015	319670	9/22/15	651.54
HONEYWELL INTERNATIONAL INC	CITY WIDE HVAC MAINTENANCE / PW	319671	9/22/15	60,874.63
HYDRO SCAPE PRODUCTS INC	MOP#45720 WATER PIPE VALVE	319672	9/22/15	83.14
IDVILLE	SPBADGEREEL CUSTOM BADGE REEL / PD	319673	9/22/15	585.93
IEDA	MEMBERSHIP RENEWAL / HR	319674	9/22/15	735.28
INDEPENDENT FORENSIC SERVICES	CHILD ABUSE EXAM / POLICE	319675	9/22/15	1,250.00
JOHN DEERE LANDSCAPES	MOP#69277 HORTICULTURAL ITEMS	319676	9/22/15	515.41
JOHN'S LOCK & SAFE SERVICE	BATTERY LEADS FOR ESL / PW	319677	9/22/15	135.78
KAISER FOUNDATION HEALTH PLANS	RETIREEES INS - COBRA AUG 2015	319678	9/22/15	509.71
LANGUAGE LINE SERVICES	LANGUAGE LINE INTERPRETATION SERVICES	319679	9/22/15	52.81
LASER SAVER INC	MOP 45725 INK CARTRIDGE - NUTRITION	319680	9/22/15	479.38
MANNING & KASS	LIABILITY CLAIM COSTS	319681	9/22/15	280.00
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	319682	9/22/15	6,938.60
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	319683	9/22/15	2,070.77
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	319684	9/22/15	1,638.85
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	319685	9/22/15	494.43
NAHRO	ANNUAL MEMBERSHIP / SEC 8	319686	9/22/15	1,300.00
NATIONAL CITY AUTO TRIM	MOP#72441 AUTO EQUIPMENT	319687	9/22/15	404.25
OLSON, J	CACEO ANNUAL SEMINAR - MEAL REIMB	319688	9/22/15	248.50
O'REILLY AUTO PARTS	MOP#75877 AUTO PARTS	319689	9/22/15	172.34
ORKIN	PEST CONTROL SERVICES / PW	319690	9/22/15	403.39
PACIFIC TELEMAGEMENT SERVICE	PAYPHONE SERVICES / 9/01/2015	319691	9/22/15	228.00
PADRE JANITORIAL SUPPLIES	JANITORIAL SUPPLIES- NUTRITION	319692	9/22/15	150.57
PENSKE FORD	R&M CITY VEHICLES	319693	9/22/15	1,156.52
POWERSTRIDE BATTERY CO INC	MOP#67839 AUTO PARTS	319694	9/22/15	163.45
PRO BUILD	MOP#45707 PLUMBING MATERIALS	319695	9/22/15	1,942.74
PRO-EDGE KNIFE	KNIFE SHARPENING - NUTRITION	319696	9/22/15	46.00
PRUDENTIAL OVERALL SUPPLY	MOP#45742 LAUNDRY SERVICES	319697	9/22/15	802.59
QUALA TEL ENTERPRISES	REPAIRS ON HEADSETS / FIRE	319698	9/22/15	453.45
QUALITY INN	CACEO SEMINAR / NSD / OLSON/SORIANO	319699	9/22/15	163.17
QUALITY INN	CACEO SEMINAR / NSD / SOSA	319700	9/22/15	122.79
RED WING SHOES STORE	SAFETY BOOTS / GISH	319701	9/22/15	125.00
RIBBONS GALORE	CUSTOM FLAT RIBBON / COMM SVCS	319702	9/22/15	172.28
ROADONE	MOP#75948 AUTO EQUIPMENT	319703	9/22/15	160.00
RON BAKER CHEVROLET	MOP#45751 AUTO PARTS	319704	9/22/15	75.08
SASI	MONTHLY TRUST CHGS - SEPT 2015	319705	9/22/15	25.00
SAVMART PHARMACEUTICAL SERVICE	MORPHINE 10MG 1 ML / FIRE	319706	9/22/15	21.75
SDG&E	GAS & ELECTRIC UTILITES	319707	9/22/15	55,422.53
SEAPORT MEAT COMPANY	FOOD / NUTRITION CENTER	319708	9/22/15	1,346.06
SIRCHIE FINGER PRINT	COMBUSTIBLE GAS DETECTOR / FIRE	319709	9/22/15	399.34
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 BUSINESS CARD IMPRINTS	319710	9/22/15	111.18
SORIANO, R	CACEO ANNUAL SEMINAR - MEAL REIMB	319711	9/22/15	248.50
SOSA, P	CACEO ANNUAL SEMINAR - MEAL REIMB	319712	9/22/15	248.50





**WARRANT REGISTER #12**  
**9/22/2015**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SOSAMON, M	EDUCATIONAL REIMBURSEMENT	319713	9/22/15	148.00
SOUTHERN CALIF TRUCK STOP	MOP#45758 OIL AND LUBRICANTS / PW	319714	9/22/15	324.54
STAPLES ADVANTAGE	COPY PAPER / POLICE DEPT	319715	9/22/15	1,336.62
STUTZ ARTIANO SHINOFF HOLTZ A PC	LIABILITY CLAIM COST	319716	9/22/15	1,200.00
SWANK MOTION PICTURES INC	WS DVD MCFARLAND USA / COMM SVCS	319717	9/22/15	401.00
SWEETWATER AUTHORITY	WATER SERVICE / FACILITIES	319718	9/22/15	370.39
SYSCO SAN DIEGO INC	CONSUMABLES/FOOD - NUTRITION	319719	9/22/15	5,390.64
T MAN TRAFFIC SUPPLY	MOP#76666 TRAFFIC CONTROL SUPPLIES	319720	9/22/15	951.02
THE HOME DEPOT CREDIT SERVICES	DEWALT 12-1/2" 15A CORDED PLANER/ENG	319721	9/22/15	1,742.45
THE LIGHTHOUSE INC	MOP#45726 AUTO PARTS	319722	9/22/15	400.99
THE NYHART COMPANY	VALUATION REPORT SERVICES	319723	9/22/15	5,350.00
TOPECO PRODUCTS	MOP#63849 AUTO PARTS	319724	9/22/15	141.06
TREASURER COUNTY OF S D	FY15 - 16 HIRT MEMBERSHIP / FIRE	319725	9/22/15	42,080.00
T'S & SIGNS	2X3 DIGITAL POSTERS / POLICE	319726	9/22/15	179.85
U S BANK	CREDIT CARD EXP - SA	319727	9/22/15	2,160.16
UNITED RENTALS	RENTAL / FORKLIFT / ENGINEERING	319728	9/22/15	2,481.92
UNITED ROTARY BRUSH CORP	MOP#62683 AUTO PARTS	319729	9/22/15	242.45
V & V MANUFACTURING	NATIONAL CITY SERVICE PINS / POLICE	319730	9/22/15	2,517.51
VALLEY INDUSTRIAL SPECIALTIES	MOP#46453 PLUMBING MATERIALS	319731	9/22/15	133.16
VCA MAIN ST ANIMAL HOSPITAL	K9 VET CARE / POLICE	319732	9/22/15	146.58
VERIZON WIRELESS	CELLULAR SERVICE / 7/22/15 - 8/21/15	319733	9/22/15	53.29
VERIZON WIRELESS	INV 9751175296 / CELL SVCS / SECTION 8	319734	9/22/15	334.25
WILLY'S ELECTRONIC SUPPLY	MOP#45763 ELECTRIC SUPPLIES	319735	9/22/15	10.90
Z A P MANUFACTURING INC	27- LETTERS 5" WHITE STREET SIGNS	319736	9/22/15	353.16
KANE BALLMER & BERKMAN	LEGAL SERVICES / S A	319737	9/22/15	45.00
NATIONAL CONSTRUCTION RENTALS	ANNUAL FENCE RENTAL AT 1640 E PLAZA / S A	319738	9/22/15	790.70
OPPER & VARCO LLP	LEGAL / WITOD / S A	319739	9/22/15	3,727.50
THE LAW OFFICES OF EDWARD Z KOTKIN	LEGAL / 2013-OVERSIGHT BOARD / S A	319740	9/22/15	982.14
ABLE PATROL & GUARD	SECURITY GUARD SERVICE / LIBRARY	319741	9/22/15	6,427.70
AMAZON	BOOKS - LIBRARY	319742	9/22/15	1,180.42
BAKER & TAYLOR	BOOKS- LIBRARY	319743	9/22/15	1,679.72
BRODART CO	BOOKS - LIBRARY	319744	9/22/15	496.89
EBSCO INFORMATION SERVICES	ON-LINE SUBSCRIPTIONS FOR FY 2016 / LIBRARY	319745	9/22/15	16,899.00
LASER SAVER	MOP #45725 - SUPPLIES / LIBRARY	319746	9/22/15	101.15
MIDWEST TAPE	DVD'S/AUDIO BOOKS - LIBRARY	319747	9/22/15	1,345.96
STAPLES ADVANTAGE	MOP #45704 - OFFICE SUPPLIES / LIBRARY	319748	9/22/15	44.32
U S POSTMASTER	POSTAGE FOR OVERDUE NOTICES / LIBRARY	319749	9/22/15	98.00
			<b>A/P Total</b>	<b>327,944.31</b>
<b>WIRED PAYMENTS</b>				
TRISTAR RISK MANAGEMENT	AUGUST 2015 WC REPLENISHMENT	546086	9/22/15	36,664.22
		<b>Start Date</b>	<b>End Date</b>	
		9/16/2015	9/22/2015	
<b>SECTION 8 HAPS PAYMENTS</b>				<b>5,875.22</b>

**GRAND TOTAL**

**\$ 370,483.75**



## Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.

  
\_\_\_\_\_  
MARK ROBERTS, FINANCE

\_\_\_\_\_  
LESLIE DEESE, CITY MANAGER

### FINANCE COMMITTEE

\_\_\_\_\_  
RONALD J. MORRISON, MAYOR-CHAIRMAN

\_\_\_\_\_  
JERRY CANO, VICE-MAYOR

\_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MEMBER

\_\_\_\_\_  
MONA RIOS, MEMBER

\_\_\_\_\_  
ALBERT MENDIVIL, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3<sup>rd</sup> OF NOVEMBER, 2015.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_



The following page(s) contain the backup material for Agenda Item: Temporary Use Permit - 8th Annual Christmas on Brick Row hosted by the Community Services Department on December 10, 2015 from 5 p.m. to 8 p.m. at Morgan Square & Brick Row, on "A" Avenue and E. 9th Street. This is a City sponsored event under Policy No.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Temporary Use Permit – 8<sup>th</sup> Annual Christmas on Brick Row hosted by the Community Services Department on December 10, 2015 from 5 p.m. to 8 p.m. at Morgan Square & Brick Row, on “A” Avenue and E. 9<sup>th</sup> Street. This is a City sponsored event under Policy No. 804.

**PREPARED BY:** Dionisia Trejo

**DEPARTMENT:** Neighborhood Services Department

**PHONE:** (619) 336-4255

**APPROVED BY:** 

**EXPLANATION:**

This is a request from the Community Services Department to conduct the 8<sup>th</sup> Annual Christmas on Brick Row event at Morgan Square & Brick Row on “A” Avenue between E. 9<sup>th</sup> Street and E. Plaza Boulevard on December 10, 2015. This event will include the tree lighting ceremony, musical and dance performances. There will also be a Christmas Bazaar where food, drinks and various other items will be sold from booths. The Art Gallery, Chamber of Commerce office and the Kimball Museum will be open.

Street closures are required on “A” Avenue at E. 9<sup>th</sup> Street on Morgan Square and E. Plaza Boulevard.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

The City has incurred \$237.00 for processing the TUP through various City departments, \$623.84 for Public Works and \$514.56 for Police.

Total fees are \$1,375.40

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION: ☐

FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval. This is a City sponsored event under Policy No. 804.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Application for a Temporary Use Permit with recommended approvals and conditions of approval.





## EVENT INFORMATION

Type of Event:  
☐ Public Concert    ☐ Fair    ☐ Festival    ☒ Community event  
☐ Parade    ☐ Demonstration    ☐ Circus    ☐ Block Party  
☐ Motion Picture    ☐ Grand Opening    ☐ Other \_\_\_\_\_

Event Title: 8th Annual Christmas on Brick Row

Event Location: Morgan Square/Brick Row

Event Date(s): From 12/10/15 to 12/10/15

Actual Event Hours: 5 PM to 8 PM

Total Anticipated Attendance: 200 ( \_\_\_\_\_ Participants X \_\_\_\_\_ Spectators)

Setup/assembly/construction Date: 12/10/15 Start time: 2 PM

Please describe the scope of your setup/assembly work (specific details): \_\_\_\_\_

Set up canopies, string lights on all canopies, holiday decorations, tables and chairs, PA for performers, food and vendor booths.

Dismantle Date: 12/10/15 Completion Time: 9 PM

List any street(s) requiring closure as a result of this event. Include street name(s), day and time of closing and day and time of reopening.

9th St. from Morgan Square to 'A' Ave.

'A' Ave. from 9th St. to Plaza Blvd.

## APPLICANT AND SPONSORING ORGANIZATION INFORMATION

Sponsoring Organization: Community Services Department

Chief Officer of Organization (Name) Leslie Deese

Applicant (Name): Audrey Denham

Address: 140 E. 12th St. National City, CA 91950

Daytime Phone: (619)333-4243 Evening Phone: N/A

Fax: N/A

E-Mail: adenham@nationalcityca.gov

Contact Person "on site" day of the event: Audrey Denham Cellular: (619) 857-8352

**NOTE: THIS PERSON MUST BE IN ATTENDANCE FOR THE DURATION OF THE EVENT AND IMMEDIATELY AVAILABLE TO CITY OFFICIALS**



## FEES/PROCEEDS/REPORTING

Is your organization a "Tax Exempt, nonprofit" organization? ☒ YES ☐ NO

Are admission, entry, vendor or participant fees required? ☐ YES ☒ NO

If YES, please explain the purpose and provide amount(s): N/A

\$ N/A Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ N/A Estimated Expenses for this event.

\$ N/A What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

## OVERALL EVENT DESCRIPTION ROUTE MAP/SITE DIAGRAM/SANITATION

Please provide a **DETAILED DESCRIPTION** of your event. Include details regarding any components of your event such as the use of vehicles, animals, rides or any other pertinent information about the event.

Tree Lighting, Musical/Dance Performances and/or Radio Station DJ, Food and Drinks for sale, Crafts for sale, Appearance by Santa, Children's craft area, face painter, games etc., Kimbell Museum open for tours, Hannah Lee open for tours, Art Gallery and Chamber office open, Informational booths

☐ YES ☒ NO If the event involves the sale of cars, will the cars come exclusively from National City car dealers?

If NO, list any additional dealers involved in the sale: \_\_\_\_\_

☐ YES ☒ NO Does the event involve the sale or use of alcoholic beverages?

☒ YES ☐ NO Will items or services be sold at the event? If yes, please describe:

Food, drinks, crafts for sale



## OVERALL EVENT DESCRIPTION CONTINUED

☐ YES ☒ NO Does the event involve a moving route of any kind along streets, ~~avenues~~ or highways? If YES, attach a detailed map of your proposed route indicate the direction of travel, and provide a written narrative to explain your route.

☒ YES ☐ NO Does the event involve a fixed venue site? If YES, attach a detailed site map showing all streets impacted by the event.

☒ YES ☐ NO Does the event involve the use of tents or canopies? If YES: Number of tent/canopies 8 Sizes 10x10  
NOTE: A separate Fire Department permit is required for tents or canopies.

☒ YES ☐ NO Will the event involve the use of the City or your stage or PA system?  
SPECIFY: City PA system with multiple microphones

In addition to the route map required above, please attach a diagram showing the overall layout and set-up locations for the following items:

☐ Alcoholic and Nonalcoholic Concession and/or Beer Garden areas.  
☒ Food Concession and/or Food Preparation areas. Please describe how food will be served at the event: \_\_\_\_\_  
If you intend to cook food in the event area please specify the method:  
\_\_\_\_ GAS \_\_\_\_ ELECTRIC \_\_\_\_ CHARCOAL \_\_\_\_ OTHER (Specify): TBD on Food Vendors

☒ Portable and/or Permanent Toilet Facilities  
Number of portable toilets: 1 (1 for every 250 people is required, unless the applicant can show that there are facilities in the immediate area available to the public during the event)

☒ Tables # 15 and Chairs # 50-75  
☐ Fencing, barriers and/or barricades  
☒ Generator locations and/or source of electricity  
☒ Canopies or tent locations (include tent/canopy dimensions)  
☒ Booths, exhibits, displays or enclosures  
☐ Scaffolding, bleachers, platforms, stages, grandstands or related structures  
☒ Vehicles and/or trailers  
☐ Other related event components not covered above  
Trash containers and dumpsters

(Note: You must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition.) Number of trash cans: 8 Trash containers with lids: \_\_\_\_\_

Describe your plan for clean-up and removal of waste and garbage during and after the event:  
Requesting PW to supply 6 event trashcans/boxes to be placed throughout the event site.

Event site and all trash will be cleaned by City staff and volunteers.



## SAFETY/SECURITY/ACCESSIBILITY

Please describe your procedures for both Crowd Control and Internal Security:

NCPD will be on site for event

☐ YES ☒ NO Have you hired any Professional Security organization to handle security arrangements for this event? If YES, please list:

Security Organization: \_\_\_\_\_

Security Organization Address: \_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

☒ YES ☐ NO Is this a night event? If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators:

Existing street lighting, existing decorative tree lighting on brick row,  
decorative lighting on the vendor booths, spot lighting for performers, rental of light bars.

Please indicate what arrangement you have made for providing First Aid Staffing and Equipment.  
NCFD and AMR will be on site

Please describe your Accessibility Plan for access at your event by individuals with disabilities:  
All areas are accessible

## PARKING PLAN/MITIGATION OF IMPACT

Please provide a detailed description of your PARKING plan:

Existing street parking

Please describe your plan for DISABLED PARKING:

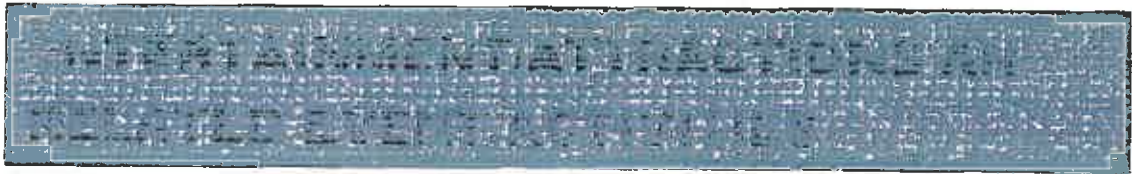
Existing dedicated spots

Please describe your plans to notify all residents, businesses and churches impacted by the event:

By mail and/or door to door notification

NOTE: Neighborhood residents must be notified 72 hours in advance when events are scheduled in the City parks.





☒ YES ☐ NO Are there any musical entertainment features related to your event? If YES, please state the number of stages, number of bands and type of music. Number

of Stages: 1 stage area\* Number of Bands: TBD

Type of Music: Holiday and variety

\*this will be a blocked off stage area, we do not need the city stage.

☒ YES ☐ NO Will sound amplification be used? If YES, please indicate:

Start time: 5 PM Finish Time 8 PM

☒ YES ☐ NO Will sound checks be conducted prior to the event? If YES, please indicate:

Start time: 4 PM Finish Time 5 PM

Please describe the sound equipment that will be used for your event:

PA system from City and/or Radio Station DJ

☐ YES ☒ NO Fireworks, rockets, or other pyrotechnics? If YES, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ YES ☐ NO Any signs, banners, decorations, special lighting? If YES, please describe:

Holiday decorations, decorative lighting on booths and trees,  
possible lighting in performance areas.



A AVENUE

9TH STREET

tree

Kimball  
Museum

Entertainment

Tables  
and  
Chairs

F1  
F2  
F3  
F4

**SINK**

To be placed in  
third parking space

F1 F2 F3 F4

Tables and Chairs

V1  
V2  
V3  
V4  
V5  
V6  
V7  
V8  
V9  
V10  
V11

V1  
V2  
V3  
V4  
V5  
V6  
V7  
V8  
V9  
V10  
V11

NC CHAMBER



**CITY OF NATIONAL CITY  
NEIGHBORHOOD SERVICES DIVISION  
APPLICATION FOR A TEMPORARY USE PERMIT  
RECOMMENDATIONS AND CONDITIONS**

**SPONSORING ORGANIZATION:** Community Services Department  
**EVENT:** 8<sup>th</sup> Annual Christmas on Brick Row  
**DATE OF EVENT:** December 10, 2015  
**TIME OF EVENT:** 5 p.m. to 8 p.m.

**APPROVALS:**

DEVELOPMENT SERVICES	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
COMMUNITY SERVICES	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
RISK MANAGER	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
PUBLIC WORKS	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
FINANCE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
FIRE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
POLICE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
CITY ATTORNEY	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]

**CONDITIONS OF APPROVAL:**

**PUBLIC WORKS (619)366-4580**

**Parks Division**

Parks Division will have the landscape trimmed and lawns will be mowed prior to the event. We will make sure the irrigation system is off that day.

**Facilities Division**

Custodians 2@ 2hrs. OT - \$ 110.12  
 Tables & Chairs - \$ 72.25  
 City Electrician 5hrs OT - \$187.50  
 Total: \$369.87

**Streets Division**

- Staff will barricade affected streets and remove them when the event is over.
- Staff will post "No Parking" signs along affected streets before the event.
- The cost to provide street personal for this event is estimated to be \$ 253.97
  1. "No Parking" signs      25 X \$ 0.45 = \$11.25
  2. Equipment              4 X \$19.09 = \$76.36
  3. Barricades              10 X \$ 0.35 = \$ 3.50
  4. Regular Hrs.            2 X \$32.57 = \$65.14
  5. Overtime Hrs.          2 X \$48.86 = \$97.72

Total      \$253.97



## **FINANCE**

Finance Stipulations are:

All Food Vendors should have a Business License and/or Health Permit (depending, need more info on who will be preparing and selling). The Vendors that will be selling "Crafts" are exempt if they meet the qualification(s) listed below:

All Vendors

### **6.04.70- Statutory exemptions or apportionment.**

- 7. Any occasional vendor selling goods designed and made by that vendor as a principal, and not as an employee, at an arts and crafts fair or show for not more than two periods of not more than four consecutive days each, per calendar year, **when such vendor is exempted from possessing a resale license issued by the State Board of Equalization.** A vendor selling through an employee is not exempt.

## **POLICE**

The Police Department recommends two officers for four (4) hours each on an overtime basis for this event.

Sergeant(s) at cost of	\$80.03	per hour	Total hours	\$0.00
Two (2) Officers at cost of	\$64.32	per hour	8 Total hours	\$514.56
TOTAL COST				\$514.56

## **CITY ATTORNEY**

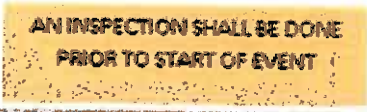
For vendors, requires an indemnification and hold harmless agreement, and a policy of general liability insurance, with the City and its officials, employees, agents and volunteers as additional insureds, with amounts of coverage to be determined by the Risk Manager.

## **RISK MANAGER (619) 336-4370**

Since this is a city sponsored event, Risk Management sees no outstanding issues.



## FIRE



Stipulations required by the Fire Department for this event are as follows:

- 1) Access to Morgan Square and Brick Row to be maintained at all times.
- 2) Fire Department access into and through the festival areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- 3) Access shall be maintained to all Fire Hydrants, Fire Department Connections for Fire Sprinkler Systems, Standpipes, etc.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Any electrical power used should be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only.
- 7) Internal combustion power sources (generator) shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least 20 feet away from tents or canopies.
- 8) If tents or canopies are used, tents having an area in excess of 200 square feet and or canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. A ten feet separation distance must be maintained between tents and canopies. A permit from the Fire Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet "State Fire Marshal approval for cooking."***

### Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$250.00
501 – 600 sf -	\$300.00
601 – 700 sf -	\$400.00

### Tents:



0 –200 sf - \$200.00  
201 – (+) sf - \$400.00

- 9) If concession stands are utilized for cooking, they shall have a minimum of 10 feet of clearance on two sides.
- 10) All cooking booths or areas to have one 2A:10BC fire extinguisher. If grease or oil is used in cooking a 40: BC or class "K" fire extinguisher will be required. **All fire extinguishers to have a current State Fire Marshal Tag attached. Please see attached example.**
- 11) Once food vendors have been confirmed, notify fire inspector with list and type of cooking which will occur.
- 12) A fire safety inspection is to be conducted by the Fire Department prior to operations of the event to include all cooking areas etc.
- 13) Fees can only be waived by City Council.



The following page(s) contain the backup material for Agenda Item: Public Hearing – Conditional Use Permit for a Wireless Communications Facility to be located at 116 National City Blvd. (Applicant: PlanCom, Inc. for Verizon Wireless) (Case File 2015-15 CUP) (Planning)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Public Hearing – Conditional Use Permit for a Wireless Communications Facility to be located at 116 National City Blvd.) (Applicant: PlanCom, Inc. for Verizon Wireless) (Case File 2015-15 CUP)

**PREPARED BY:**  Martin Reeder, AICP

**DEPARTMENT:** Planning

**PHONE:** 336-4313

**APPROVED BY:** 

**EXPLANATION:**

The applicant has applied for a Conditional Use Permit (CUP) to install a monopalm cell tower and accompanying equipment structure at 116 National City Boulevard. The CUP was approved by Planning Commission on September 14, 2015, on a five to two vote.

City Council considered a Notice of Decision for this item at their meeting of October 5, 2015. Council held the item over for a public hearing in order to discuss the item further.

The attached background report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Categorically Exempt pursuant to Class 3 Section 15303 (New Construction or Conversion of small structures)

**ORDINANCE:** INTRODUCTION: ☐

FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission approved the Conditional Use Permit.

Ayes: Alvarado, Baca, Bush, DeLaPaz, Flores    Nays: Garcia, Yamane

**ATTACHMENTS:**

- |                                       |  |
|---------------------------------------|--|
| 1. Background Report                  | 5. Reduced Plans                                     |
| 2. Recommended Findings               | 6. Site photos, photo simulations, and coverage maps |
| 3. Recommended Conditions of Approval | 7. Public Hearing Notice                             |
| 4. Location Map                       | 8. Planning Commission report and resolution         |



## **BACKGROUND REPORT**

The applicant has applied for a Conditional Use Permit (CUP) to install a monopalm cell tower and accompanying equipment structure at 116 National City Boulevard. A public hearing was held by the Planning Commission on September 14, 2015; the Commission voted to approve the CUP by a vote of five to two. City Council considered a Notice of Decision of the Planning Commission approval at their meeting of October 6, 2015.

At the Notice of Decision meeting, the City Council requested that the item be held over for a public hearing in order to discuss the item further, as well as to discuss federal and/or state regulations that pertain to telecommunications facilities. The purpose of tonight's public hearing is to discuss the merits of the project and to direct staff to return with a resolution based on either the attached findings and conditions for approval or the findings for denial; or, to return with a resolution based on other findings for approval or denial to be determined by the Council. A resolution will be placed on the next City Council agenda.

### **Planning Commission Hearing**

Planning Commission conducted a public hearing on September 14, 2015. Commissioners asked questions regarding findings and conditions of approval, colocation, maintenance, and noise. One of the Commissioners had concerns regarding aesthetics due to the location of the property at a major gateway into the City. Five community members also spoke with concerns related to aesthetics, as well as health impacts and poor property condition. The Commission voted to approve the Conditional Use Permit based on findings and Conditions of Approval provided in the Planning Commission staff report (attachment No. 8).

### **Project location**

The project site is located near the southwest corner of National City Blvd. and Main Street in Development Zone 1A of the Downtown Specific Plan area. The 5,750 square-foot property is developed with a 3,000 square-foot commercial building that fronts on the west side of National City Blvd. The rear part of the lot is fenced off and is accessible from an alleyway located adjacent to the west of the property.

### **Proposed Use**

The applicant is proposing to construct a 50-foot tall artificial palm tree (monopalm) with 12 antennas, and a 364 square-foot equipment enclosure with emergency generator. The facility would be located in the rear lot behind the commercial building. The equipment shelter would be constructed of CMU block. The generator would be for backup purposes only and would be exercised for 15 minutes once a month for testing purposes.

### **Analysis**

Telecommunication facilities are addressed in the Land Use Code, at National City Municipal Code § 18.30.220. The purpose of the code section is to "provide a uniform and comprehensive set of standards for the development, siting, and installation of



wireless telecommunications facilities . . . to preserve community character and protect aesthetic quality . . .”

Design guidelines for telecommunications facilities are outlined in the Land Use Code at National City Municipal Code § 18.30.220(B). The guidelines require, to the greatest extent possible, that such facilities “be sensitively designed and located to be compatible with and minimize visual impacts to surrounding areas, including public property.” The design guidelines detail the various factors which affect aesthetics and neighborhood character. Whether the wireless facility meets the guidelines is the decision to be made by the City Council in either approving or denying the permit. Specific design guidelines are as follows:

- Innovative design solutions that minimize visual impacts should be utilized; stealth solutions where facilities are not detectable are especially encouraged.
- Telecommunication facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission.
- Antennas and their support structures should be located on the rear half of property or structures when reasonable transmission and/or reception would not be impaired and when visual impacts would be reduced, unless no other feasible alternative location exists.
- Telecommunication facilities and appurtenances should not be situated between the primary building on the parcel and any public or private street adjoining the parcel.
- Telecommunication facilities should be located and designed to avoid blocking and/or substantially altering scenic views.
- Building mounted telecommunication facilities are encouraged rather than telecommunication towers (*not done due to limited height of existing building*).
- Building mounted telecommunication facilities should be integrated with existing structures (*not applicable in this case*).
- Telecommunication facilities should be designed and painted a color that blends with the surrounding natural or manmade features.
- Telecommunication facilities and appurtenances shall be screened by existing and/or proposed structures and landscaped to the extent possible without compromising reception and/or transmission.
- The design of fencing, landscaping, and other screening for telecommunication facilities shall be integrated and compatible with surrounding improvements.
- Multiple telecommunication facilities of reduced heights are encouraged to cover a service area where the visual impacts would be less than a single larger and more visually obtrusive tower.



- Co-location of commercial telecommunication towers and the use of the same site by multiple carriers is encouraged where feasible and found to be desirable.
- Monopoles or guyed/lattice towers are discouraged except where satisfactory evidence is provided demonstrating that a self-supporting tower is needed to provide the height and/or capacity necessary for the proposed facility and visual impacts would be minimized.
- All utility lines serving the facility shall be under-grounded.
- Each commercial telecommunication facility shall be installed in a manner that will maintain and enhance existing native vegetation. Suitable landscaping to screen the facility shall also be installed where necessary.
- All major commercial telecommunication facilities, other than government owned facilities, shall be prohibited in residential zones.
- All major commercial telecommunication facilities shall be located at least 75 feet from any habitable structure, except for a habitable structure on the property in which the facility is located.

Unless noted (in parentheses after the applicable design guideline), the proposed facility is consistent with and/or meets the design guidelines outlined in the Land Use Code.

The proposed facility is designed to address an area of weak or no service in the Verizon Wireless network. There are two other co-location opportunities in this area – 241 National City Blvd. and 330 National City Blvd. However, the applicant has stated that neither of these facilities was feasible for their needs. The antennas would provide coverage to the northwest, east, and south, which encompasses Division Street eastward and the Interstate 5 corridor northward into San Diego.

#### Summary of Laws Regarding Wireless Telecommunications Facilities

At the time this matter was set for hearing, the City Council asked that the report include reference to what factors may be permissibly considered in making a decision regarding wireless facilities and the law that governs. The factors which may be considered under the Municipal Code are referenced and listed above. The following provides a brief overview of the federal and state law governing wireless facilities.

##### *A. Federal Telecommunications Act*

Generally, the Federal Telecommunications Act of 1996 (the “Act”) set forth the requirement that telecommunications services have a duty to develop competition within markets. Accordingly, cities have been preempted from adopting any barriers to the development of telecommunications facilities.

Cities do retain authority to regulate the placement, construction, and modification of wireless telecommunications facilities, subject to limitations. Importantly, a city can deny a cell tower/wireless facility for “adverse aesthetic



impacts” under the Act as long as: 1) the city finds, based on substantial evidence, adverse aesthetic impacts; and, 2) establishes that denial will not constitute a prohibition on the provision of wireless services.

Overall, the Act has numerous limitations and/or requirements applicable to a city’s review of a wireless facility. The limitations and/or requirements are summarized below:

- 1) Decision must be made within a reasonable time;
- 2) Decision to deny a facility must be in writing;
- 3) Decision to deny must be supported by substantial evidence (ie: the decision must be authorized by local regulation and supported by substantial evidence);
- 4) Decision to deny cannot be based on or regulate radio frequency emissions (when the facility complies with the Federal Communications Commission RF emissions regulations);
- 5) Cannot discriminate amongst providers of functionally equivalent services (however, treatment based on zoning standards such as preserving neighborhood character and avoiding aesthetic blight are permissible); and
- 6) Decision cannot have the effect of prohibiting wireless service (cannot prevent a provider from closing a significant coverage gap).

*B. Government Code Sections 65850.6 and 65964 (State Law)*

In regard to wireless facilities, Section 65850.6 is limited to and specifically addresses collocation facilities. Section 65850.6 does allow cities to retain discretionary authority over wireless facilities that will include future collocation facilities, but removes discretionary authority over facilities mounted to already existing facilities. Thus, discretionary permits for wireless telecommunications collocation facilities, once approved, will allow additional facilities to be mounted to those already approved facilities without additional discretionary review. Under Section 65850.6, a wireless telecommunication collocation facility can be subject to a discretionary permit and must also comply with the following:

1. City requirements that specify the types of facilities allowed to include a collocation facility;
2. City requirements that specify the types of facilities allowed to include certain types of collocation facilities;
3. Height, location, bulk, and size of the facility;
4. Percentage of the facility that can be occupied by collocation facilities;
5. Aesthetic and design requirements for facilities;
6. City requirements for a proposed facility;
7. Compliance with state and local requirements, including the general plan, applicable specific plan, and zoning ordinances; and,



8. Compliance with CEQA.

Section 65964 applies more broadly to all wireless telecommunications facilities and sets limitations on the ability to impose conditions of approval. Under Section 65964, a city, as a condition of approval cannot require any of the following:

1. An escrow deposit for removal of a wireless facility or component (performance bond or other surety is allowed);
2. Unreasonable limits on the duration of the permit (limits of less than 10 years are presumed unreasonable absent public safety reasons or substantial land use reasons); and,
3. Limiting facilities to sites owned by particular parties within the city's jurisdiction (e.g., requiring facilities only on city owned property).

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within Development Zone 1A of the Downtown Specific Plan pursuant to a conditional use permit, and the proposed facility meets the required design guidelines in the Land Use Code, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology; the proposed telecommunications facility provides internet/cellular data as well as standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in Development Zone 1A of the Downtown Specific Plan Area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The area in which the project is proposed is currently fenced off and not used for anything. The applicant has stated that only one maintenance trip is expected every 4-6 weeks. Periodic maintenance would include running the emergency backup generator for 15 minutes on an approximate monthly basis. The generator is proposed within a CMU block wall; therefore, noise is not much of a factor. However, a Condition of



Approval has been added (No. 15) to ensure that all activities comply with Title 12 (Noise) of the Municipal Code. Conditions also include graffiti protection of the block wall (No. 8)

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The facility, including the monopalm and equipment shelter (364 square feet), can easily be accommodated on the 5,750 square-foot site; there is room in the vacant area behind the building that allows the facility to meet required design guidelines, thus not affecting nearby properties. The proposed facility is unmanned and requires only one to two visits each month for routine maintenance. These vehicle trips would have a negligible effect on the adjacent developed streets. In addition, because the area is directly adjacent to an alley, service vehicles would have even less effect on adjacent streets.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

With the subject palm tree being higher than all buildings adjacent in the area, the antennas would have clear reception and transmission in those directions. Nearby land uses in these directions are residential, commercial, and commercial/residential respectively. However, the antennas are positioned in such a way as to be directed above any nearby sensitive uses. Although there are such land uses in the vicinity, it should be mentioned that, per the 1996 Telecommunications Act, “no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.” It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval (No. 16) is included requiring these permits.

The proposed facility will not be highly visible to the observer, since the antennas will be screened by the fronds of the faux palm tree. There are several other mature palms in the area, which will add to the stealth nature of the tree when viewed from nearby streets. The trees are located to the south on both sides of National City Blvd., and also to the north on the east side of National City Blvd. Attachment No. 6 includes a photo simulation showing the proposed monopalm.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.



Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Based on public comment received at the Planning Commission public hearing, staff also included three findings for denial, which are related to potential visual impacts due to the height of the facility in relation to area development, and due to noise impacts from the operation and/or testing of the backup generator.

#### Department comments

Comments were received from the Fire Department and require compliance with the California Fire Code and local Codes. Standard Conditions of Approval for wireless facilities are also included, requiring compliance with applicable codes, all necessary state/local/federal permits, and that any external equipment is painted to match the surface on which it is mounted.

#### Summary

The proposed project is consistent with the Land Use Code in that it meets all applicable design requirements for wireless communication facilities. The project is considered 'stealth' and blends in with nearby development. The new facility will help to provide coverage in an area with limited service and provide additional reception for Verizon Wireless customers.

As a recap, the purpose of tonight's hearing is to discuss the merits of the project and to make a decision based on the attached findings for approval or denial, or based on findings to be made by the Council. Staff is recommending approval of the CUP.

The options available to the Council are as follows:

1. Approve 2015-15 CUP subject to the attached conditions, and based on attached findings; or
2. Deny 2015-15 CUP based on attached findings or other findings as determined by the City Council; or
3. Continue the item in order to obtain additional information.



**RECOMMENDED FINDINGS FOR APPROVAL**  
**2015-15 CUP – 116 National City Blvd.**

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in Development Zone 1A of the Downtown Specific Plan Area, and since the proposed facility meets the required design guidelines in the Land Use Code.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology; and since wireless communications facilities are a conditionally-allowed use in Development Zone 1A of the Downtown Specific Plan Area.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since the area in which the project is proposed is currently vacant and fenced off, and since only one maintenance trip is expected every 4 to 6 weeks.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since the facility, including the monopalm and equipment shelter (364 square feet), can easily be accommodated on the 5,750 square-foot site, and since the one to two visits each month for routine maintenance would have a negligible effect on the adjacent developed streets.
5. That granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, since the subject palm tree would be higher than all buildings adjacent in the area, thus the antennas would have clear reception and transmission in those directions. In addition, the proposed facility will not be highly visible to the observer, since the antennas will be screened by the fronds of the faux palm tree. There are several other mature palms in the area, which will add to the stealth nature of the tree when viewed from nearby streets.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.



**RECOMMENDED FINDINGS FOR DENIAL**  
**2015-15 CUP – 116 National City Blvd.**

1. That the design, location, size, and operating characteristics of the proposed activity would not be compatible with the existing and future land uses in the vicinity, since the facility would be significantly taller than other buildings in the area, which would result in a negative visual impact on area uses.
2. That the site is not physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since the fenced area in which the facility is proposed would be better suited as a parking area for the business located on the property, and since the periodic testing of the proposed backup generator may create noise impacts to neighboring properties.
3. That granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, since the subject palm tree would be higher than all buildings adjacent in the area, thus potentially resulting in a negative visual impact on area uses, and since the proposed backup generator may create noise impacts to neighboring properties.



## **RECOMMENDED CONDITIONS OF APPROVAL**

### **2015-15 CUP – 116 National City Blvd.**

#### **General**

1. This *Conditional Use Permit* authorizes a wireless communications facility at 116 National City Blvd. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B dated 6/18/2015 Case File No. 2015-15 CUP. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### **Building**

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.
6. Call 800-227-2600 (Underground Service Alert) for mark out prior to any digging activities.
7. Television cable companies shall be notified a minimum of 48 hours prior to filling of cable trenches.
8. Exterior walls of accessible poles/walls to a height of not less than six feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.



## Fire

9. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
10. Emergency Generator Shutdown procedures shall be posted in a conspicuous area on the exterior of the emergency generator enclosure. The sign shall be clearly visible from the public right-of-way. If the power source is inside a building and cannot be seen from the public right-of-way, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
11. A 704 emergency placard shall be posted at the site. The Sign shall be clearly visible from the public right-of-way.
12. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

## Engineering

13. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
14. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.

## Planning

15. All activities, including maintenance and/or testing of equipment, shall conform to the limits contained in Title 12 (Noise) of the Municipal Code.
16. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
17. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
18. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant



and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.

19. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.



# 116 NATIONAL CITY BLVD







# MAIN DIVISION (MCE) 116 NATIONAL CITY BOULEVARD NATIONAL CITY, CALIFORNIA 91950

## LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 18 AND 19 IN BLOCK 2 IN NATIONAL CITY, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 348, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 2, 1882.

ASSESSOR'S PARCEL NUMBER: 555-020-14

## CONSULTANT TEAM

### CLIENTS REPRESENTATIVE:

**PLANCOM**  
302 STATE PLACE  
ESCONDIDO, CALIFORNIA 92029  
**PHONE:** (858) 603-2336  
**CONTACT:** GREG MOORAD

### ARCHITECT:

**JEFFREY ROME & ASSOCIATES**  
131 INNOVATION DRIVE  
**SUITE:** 100  
IRVINE, CALIFORNIA 92617  
**PHONE:** (949) 760-3929  
**FAX:** (949) 760-3931  
**CONTACT:** JEFFREY ROME

### SURVEYOR:

**A.J. KOLTAVARY CIVIL ENGINEERS**  
27 ORCHARD  
LAKE FOREST, CALIFORNIA 92630  
**CONTACT:** ANDREW KOLTAVARY  
**PHONE:** (714) 624-9027

## PROJECT SUMMARY

**APPLICANT:** **VERIZON WIRELESS**  
15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618

**OWNER:** **RODOLFO AND MARIA NARVAEZ**  
116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950  
**PHONE:** (619) 474-2898  
**CONTACT:** RODOLFO NARVAEZ

### PROJECT DESCRIPTION/SCOPE:

VERIZON WIRELESS PROPOSES TO CONSTRUCT, OPERATE AND MAINTAIN AN UNMANNED WIRELESS COMMUNICATIONS FACILITY. THIS FACILITY WILL CONSIST OF THE FOLLOWING:

- (12) PROPOSED ANTENNAS MOUNTED ON (1) PROPOSED 50'-0" HIGH STEALTH ANTENNA STRUCTURE.
- (1) PROPOSED CUSTOM CMU EQUIPMENT BUILDING.
- (1) PROPOSED STAND-BY GENERATOR.
- (2) PROPOSED CONDENSERS.
- (2) PROPOSED RAYCAPS NEAR ANTENNAS.
- (2) PROPOSED RAYCAPS INSIDE VZW EQUIPMENT BUILDING.
- (12) PROPOSED RRU'S.
- PROPOSED UTILITY RUNS FOR TELEPHONE AND ELECTRICAL SERVICE.

**OTHER ON-SITE TELECOM FACILITIES:** NONE  
**PROJECT ADDRESS:** 116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950  
**ASSESSORS PARCEL NUMBER:** 555-020-14  
**EXISTING ZONING:** DOWNTOWN SPECIFIC PLAN-1A  
**PROPOSED EQUIPMENT AREA:** 176 SQ. FT.  
**PROPOSED GENERATOR AREA:** 168 SQ. FT.  
**TOTAL GROUND STEALTH ANTENNA STRUCTURE AREA:** 20 SQ. FT.  
**TOTAL PROPOSED VZW LEASE AREA:** 364 SQ. FT.  
**PROPOSED TYPE OF CONSTRUCTION:** TYPE V-B  
**PROPOSED OCCUPANCY:** U  
**EXISTING TYPE OF CONSTRUCTION:** N/A  
**EXISTING OCCUPANCY:** N/A  
**JURISDICTION:** CITY OF NATIONAL CITY

## SHEET INDEX

T-1 TITLE SHEET

A-0 SITE PLAN  
A-1 ENLARGED SITE PLAN  
A-1.1 ENLARGED EQUIPMENT PLAN  
A-1.2 ANTENNA PLAN AND ANTENNA SCHEDULE SPECIFICATIONS  
A-2 ELEVATIONS  
A-2.1 ELEVATIONS  
A-3 DETAILS

LS-1 SITE SURVEY (FOR REFERENCE ONLY)  
LS-2 SITE SURVEY (FOR REFERENCE ONLY)

## APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:

CALIFORNIA FIRE CODE, 2013 EDITION  
CALIFORNIA BUILDING CODE, 2013 EDITION  
CALIFORNIA PLUMBING CODE, 2013 EDITION  
CALIFORNIA MECHANICAL CODE, 2013 EDITION  
CALIFORNIA ELECTRICAL CODE, 2013 EDITION  
CALIFORNIA GREEN BUILDING CODE, 2013 EDITION

IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

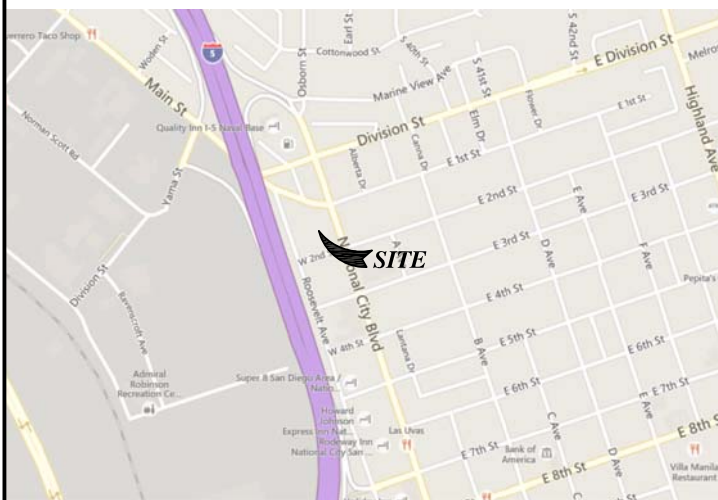
## ACCESSIBILITY DISCLAIMER

THIS PROJECT IS AN UNOCCUPIED WIRELESS PCS TELECOMMUNICATIONS FACILITY AND, ACCORDING TO WRITTEN INTERPRETATION FROM THE CALIFORNIA DEPARTMENT OF THE STATE ARCHITECT, IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.

## SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN 24"x36" FORMAT. IF THIS DRAWING SET IS NOT 24"x36", THIS SET IS NOT TO SCALE.

## VICINITY MAP



**THOMAS GUIDE**  
**REGION:** SAN DIEGO COUNTY  
**EDITION:** 58TH  
**MAP/GRID #:** 1289/H7

**NATIONAL CITY**

## DRIVING DIRECTIONS

**DIRECTIONS FROM VERIZON WIRELESS OFFICE:** HEAD SOUTHEAST TOWARD SAND CANYON TRAIL AND TURN RIGHT ONTO SAND CANYON AVENUE. TURN RIGHT TO MERGE ONTO I-405 SOUTH TOWARD SAN DIEGO. MERGE ONTO I-5 SOUTH AND FOLLOW I-5 SOUTH. KEEP LEFT AT THE FORK TO CONTINUE ON I-805 SOUTH. FOLLOW SIGNS FOR INTERSTATE 805 SOUTH. TAKE THE EXIT ONTO CA-15 SOUTH TOWARD CA-94 WEST/MARTIN LUTHER KING JR FREEWAY. TAKE THE I-5 SOUTH EXIT ON THE LEFT TOWARD NATIONAL CITY/CHULA VISTA. KEEP RIGHT, FOLLOW SIGNS FOR MAIN STREET/NATIONAL CITY BOULEVARD. TURN LEFT ONTO MAIN STREET. MAIN STREET TURNS RIGHT AND BECOMES NATIONAL CITY BOULEVARD. DESTINATION WILL BE ON THE RIGHT.

**jra** Jeffrey Rome | ASSOCIATES  
architecture | telecommunications  
131 Innovation Drive, Suite 100  
Irvine, California 92617  
tel 949.760.3929 | fax 949.760.3931

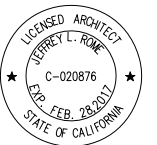
### PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED.

PREPARED FOR



15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618



APPROVALS

R.F. \_\_\_\_\_

ZONING \_\_\_\_\_

CONSTRUCTION \_\_\_\_\_

SITE ACQUISITION \_\_\_\_\_

OWNER APPROVAL \_\_\_\_\_

SITE NAME

**MAIN DIVISION (MCE)**

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

DRAWING DATES

05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)

SHEET TITLE

**TITLE SHEET**

**T-1**



KEYNOTES

- 1

PROPOSED VZW LEASE AREA; SEE SHEET A-1.
- 2

EXISTING BUILDING.
- 3

EXISTING ALLEY AND ACCESS ROUTE.
- 4

PROPOSED VZW JOINT POWER AND TELCO TRENCH; APPROXIMATELY 65'-0".
- 5

EXISTING PARKING LOT.
- 6

EXISTING PROPERTY LINE.
- 7

EXISTING UTILITY POLE #B81&J735T AND PROPOSED VZW POWER AND TELCO SOURCE.

GENERAL NOTES

- A. SETBACKS: NONE.
- B. EASEMENTS:  
SEE SHEETS LS-1 & LS-2.
- C. FREQUENCY:  
OPERATING FREQUENCIES: TBD.
- D. TOTAL IMPERVIOUS AREA BEFORE CONSTRUCTION: 5,993 SQ. FT.  
TOTAL IMPERVIOUS AREA AFTER CONSTRUCTION: 6,382 SQ. FT.
- E. TOTAL AREA DISTURBED: WALL FOOTING: 280.00 SQ. FT.  
UTILITY TRENCHING: 97.50 SQ. FT.  
= 377.50 SQ. FT.
- F. PROPOSED EQUIPMENT AREA: 176 SQ. FT.  
PROPOSED GENERATOR AREA: 168 SQ. FT.  
PROPOSED GROUND STEALTH ANTENNA STRUCTURE AREA: 20 SQ. FT.  
TOTAL PROPOSED VZW LEASE AREA: 364 SQ. FT.
- G. A/C UNIT MANUFACTURER: CARRIER.
- H. GENERATOR MANUFACTURER POLAR POWER MODEL NUMBER 8220K-972-001-004
- I. SITE CONTRACTOR TO CALL DIG ALERT (1-800-227-2600) TO LOCATE ANY AND ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
- J. (E) LANDSCAPE: NONE.

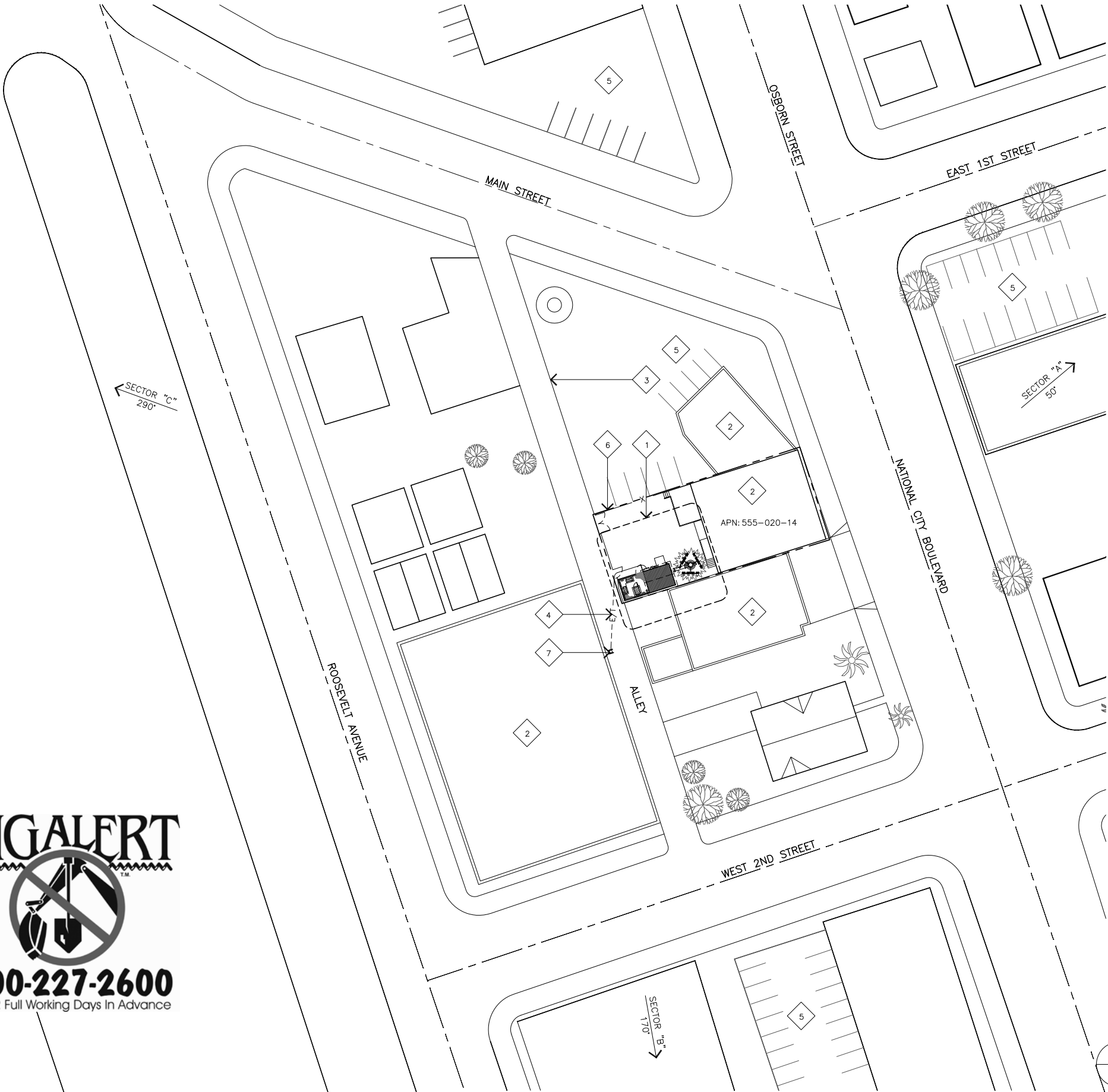
STORM WATER QUALITY NOTES CONSTRUCTION BMP'S

THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE MUNICIPAL PERMIT ISSUED BY SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) AND MUNICIPAL STORM WATER NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT ON JANUARY 24, 2007 ([HTTP://WWW.SWRCB.CA.GOV/WATERISSUES/PROGRAMS/STORMWATER/CONSTRUCTION.SHTML](http://www.swrcb.ca.gov/waterissues/programs/stormwater/construction.shtml)) AND THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE [HTTP://DOCS.SANDIEGO.GOV/MUNICODE/MUNICODECHAPTER14/CH14ART02DIVISION02.PDF](http://docs.sandiego.gov/municode/municodechapter14/ch14art02division02.pdf) AND STORM WATER MANUAL [HTTP://WWW.SANDIEGO.GOV/DEVELOPMENT-SERVICES/PDF/NEWS/STOORMWATERMANUAL.PDF](http://www.sandiego.gov/development-services/pdf/news/stoormwatermanual.pdf)

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANUP OF ALL SILT AND MUD ON ADJACENT STREE(S). DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY, AT THE END OF EACH WORK DAY, OR AFTER A STORM EVENT THAT CAUSES A BREECH IN INSTALLED CONSTRUCTION BMP'S WHICH MAY COMPROMISE STORM WATER QUALITY WITHIN ANY STREET(S). A STABILIZED CONSTRUCTION EXIT MAY BE REQUIRED TO PREVENT CONSTRUCTION VEHICLES OR EQUIPMENT FROM TRACKING MUD OR SILT ONTO STREET.
2. ALL STOCKPILES OF SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE COVERED. ALL REMOVABLE BMP DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN FIVE DAY RAIN PROBABILITY FORECAST EXCEEDS 40%.
3. A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE IMPROVEMENTS WHICH ARE TO BE POURED IN PLACE ON SITE.
4. THE CONTRACTOR SHALL RESTORE ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER AFTER EACH RUN-OFF PRODUCING RAINFALL OR AFTER ANY MATERIAL BREACH IN EFFECTIVENESS.
5. ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
6. THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

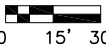
NOTE:

1. INTEGRATE ALL PROPOSED INSTALLATIONS WITH EXISTING EQUIPMENT.
2. THE LOCATION OF THE EXISTING EQUIPMENT AVAILABILITY AND SPACE SHOULD BE VERIFIED BY THE GC BEFORE INSTALLATION.



SITE PLAN

SCALE:  
1"=30'



1



Jeffrey Rome | ASSOCIATES

architecture | telecommunications  
131 Innovation Drive, Suite 100  
Irvine, California 92617  
tel 949.760.3929 | fax 949.760.3931

PROPRIETARY INFORMATION

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PREPARED FOR



15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618



APPROVALS

R.F.

ZONING

CONSTRUCTION

SITE ACQUISITION

OWNER APPROVAL

SITE NAME

MAIN DIVISION (MCE)

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

DRAWING DATES

05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)

SHEET TITLE

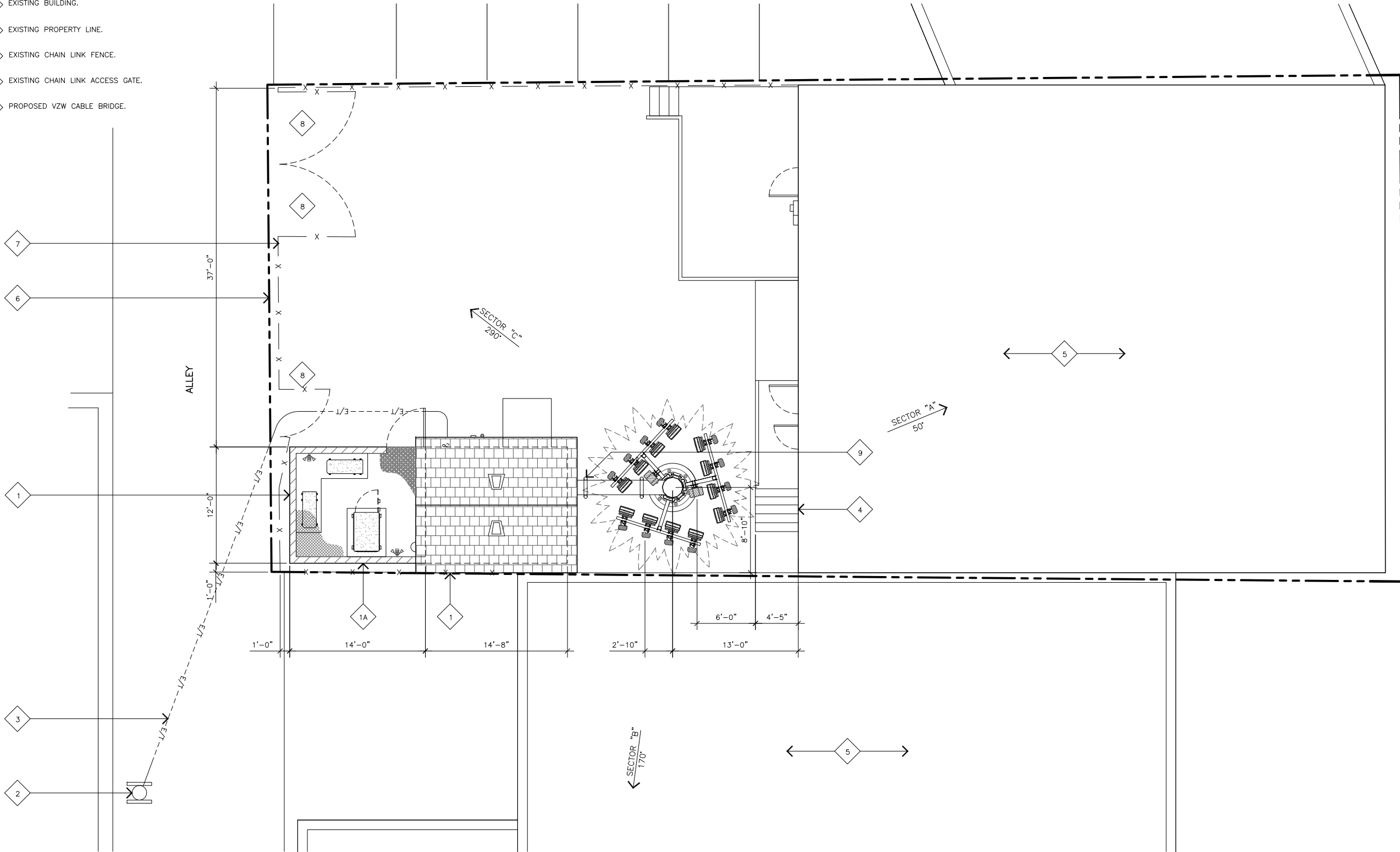
SITE PLAN

A-0



KEYNOTES

- 1 PROPOSED VZW 12'-0"x14'-8" CUSTOM CMU EQUIPMENT ENCLOSURE; SEE SHEET A-1.1.
- 1A PROPOSED VZW 10'-0" HIGH CUSTOM CMU BLOCK WALL ENCLOSURE WITH CHAINLINK TOPPER; SEE SHEET A-1.1.
- 2 EXISTING UTILITY POLE #B81&J735TT, AND PROPOSED VZW POWER AND TELCO SOURCE.
- 3 PROPOSED VZW JOINT POWER AND TELCO TRENCH; APPROXIMATELY 65'-0".
- 4 EXISTING BUILDING STAIR CASE AND LANDING.
- 5 EXISTING BUILDING.
- 6 EXISTING PROPERTY LINE.
- 7 EXISTING CHAIN LINK FENCE.
- 8 EXISTING CHAIN LINK ACCESS GATE.
- 9 PROPOSED VZW CABLE BRIDGE.



ENLARGED SITE PLAN

SCALE:  
3/16"=1'-0" 0 3' 6'

1

**jra** Jeffrey Rome | ASSOCIATES  
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tel 949.760.3929 | fax 949.760.3931

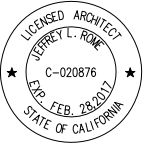
PROPRIETARY INFORMATION

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PREPARED FOR



15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618



APPROVALS

R.F. \_\_\_\_\_

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CONSTRUCTION \_\_\_\_\_

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SITE NAME

**MAIN DIVISION (MCE)**

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

DRAWING DATES

05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)

SHEET TITLE

**ENLARGED SITE PLAN**

**A-1**



KEYNOTES

- 1

PROPOSED VZW 12'-0" X 14'-8" CUSTOM CMU EQUIPMENT BUILDING.
- 1A

PROPOSED VZW 10'-0" HIGH CUSTOM CMU WALL GENERATOR ENCLOSURE FOR NOISE CONTROL FEATURE.
- 2

PROPOSED VZW DRYWELL.
- 3

PROPOSED (2) CONDENSING UNITS.
- 4

PROPOSED GRAVEL FLOOR, TYP.
- 5

PROPOSED VZW 55 GAL. DIESEL STAND-BY GENERATOR.
- 6

PROPOSED VZW EQUIPMENT CONCRETE PAD.
- 7

PROPOSED VZW 4'-0" WIDE SOLID METAL ACCESS GATE.
- 8

PROPOSED VZW EXHAUST FAN.
- 9

PROPOSED VZW ACCESS DOOR.
- 10

PROPOSED VZW CHAINLINK TOPPER.
- 11

PROPOSED VZW FAN COIL.
- 12

PROPOSED VZW BATTERY RACK WITH (5) STRINGS OF SAFT TEL.X 180 NI-Cd BATTERIES.
- 13

PROPOSED VZW 24" RACK FOR POWER PLANT, 7705 AND RBS 6601's FUSE PANEL AND LEC EQUIPMENT.
- 14

PROPOSED VZW DC GENERATOR DISCONNECT.
- 15

PROPOSED VZW ELECTRICAL METER.
- 16

PROPOSED (1) 3" AND (1) 4" STUB-UPS FOR POWER AND TELCO.
- 17

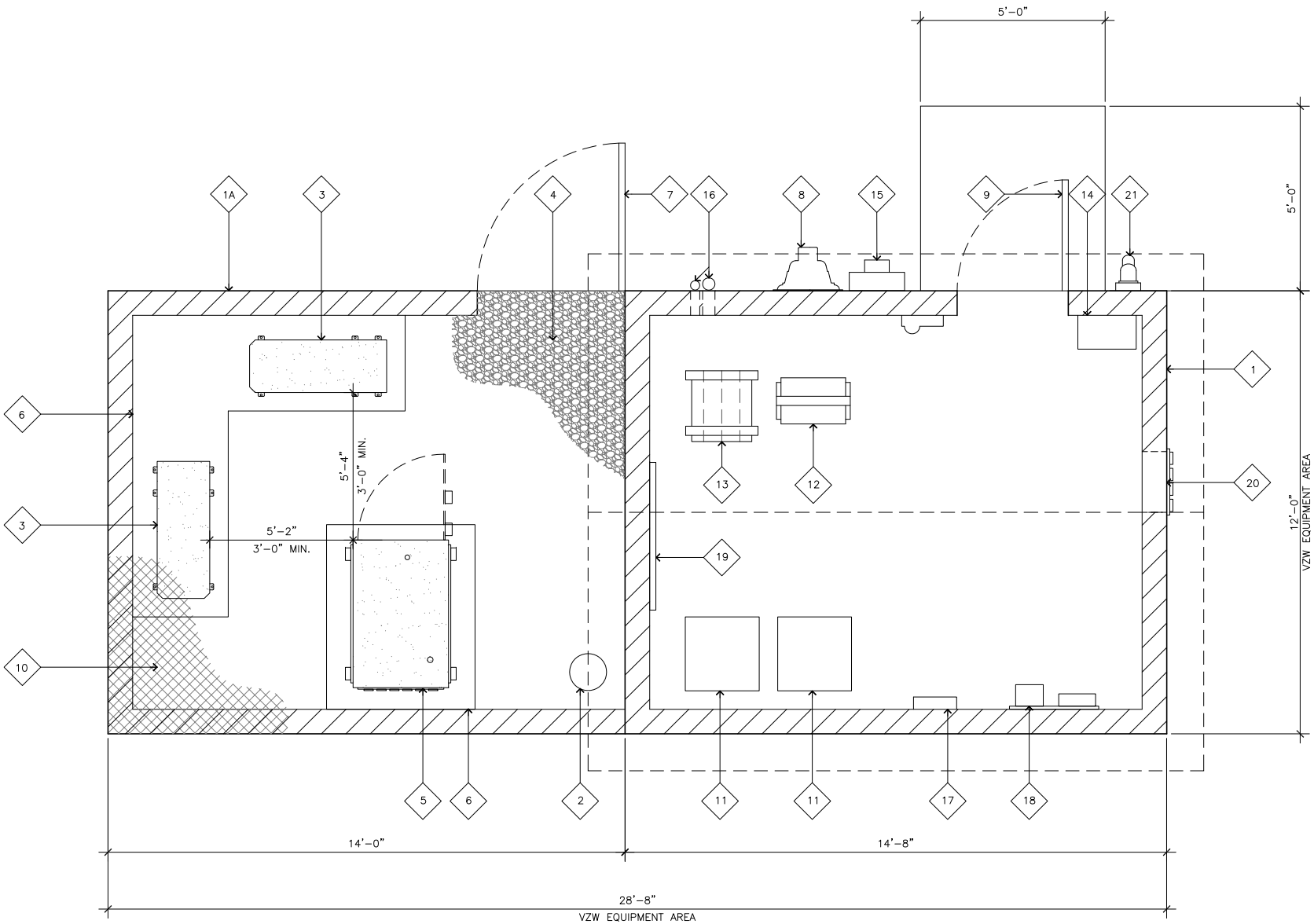
PROPOSED VZW POWER PANEL, ABOVE.
- 18

PROPOSED VZW (2) CATEGORY C TVSS.
- 19

PROPOSED VZW TELCO BOARD.
- 20

PROPOSED VZW WAVEGUIDE ENTRY PORT.
- 21

PROPOSED VZW GENERATOR PLUG.



ENLARGED EQUIPMENT PLAN

SCALE:  
1/2"=1'-0"

0 1' 2'

1

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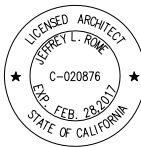
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PREPARED FOR

**verizon wireless**

15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618



APPROVALS

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OWNER APPROVAL \_\_\_\_\_

SITE NAME

**MAIN DIVISION (MCE)**

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

DRAWING DATES

05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)

SHEET TITLE

**ENLARGED EQUIPMENT PLAN**

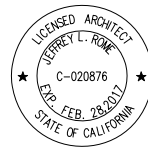
**A-1.1**



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SITE NAME

**MAIN DIVISION (MCE)**

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

DRAWING DATES  
05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)

SHEET TITLE

**ANTENNA PLAN AND  
ANTENNA SCHEDULE  
SPECIFICATIONS**

**A-1.2**

800-10866	KATHREIN, INC.
FREQUENCY (MHZ)	698 - 2690
GAIN	14.1 dBd
HORIZONTAL BW(°)	64
VERTICAL BW(°)	8.7
POLARIZATION	SLANT ±45°
VSWR	≤1.5:1
SIZE:LXWXD(INCH/MM)	96.1X14.8X6.7/2441X377X169
CONNECTOR TYPE	6X7-16 DIN FEMALE (LONG NECK)
CONNECTOR LOCATION	BOTTOM

ANTENNA SCHEDULE								
SECTOR	QUANTITY	AZIMUTH	PROPOSED ANTENNA SIZE	COAX	TOP OF ANTENNA	EST. COAX LENGTH	TX/RX	DNTLT.
ALPHA	4	50° DEGREES	8'-0"	7/8" / HYBRID	47'-0"	60'-0"	TBD	0° DEGREES
BETA	4	170° DEGREES	8'-0"	7/8" / HYBRID	47'-0"	60'-0"	TBD	0° DEGREES
GAMMA	4	290° DEGREES	8'-0"	7/8" / HYBRID	47'-0"	60'-0"	TBD	0° DEGREES

ANTENNA SCHEDULE SPECIFICATIONS

SCALE:

NONE

2

KEYNOTES

- 1

PROPOSED VZW ANTENNAS (12 TOTAL) MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 2

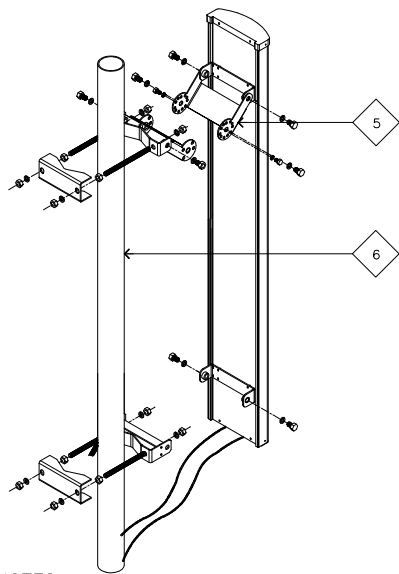
PROPOSED VZW RRU'S MOUNTED BEHIND PROPOSED ANTENNAS (12 TOTAL).
- 3

PROPOSED VZW 50'-0" HIGH STEALTH ANTENNA STRUCTURE.
- 4

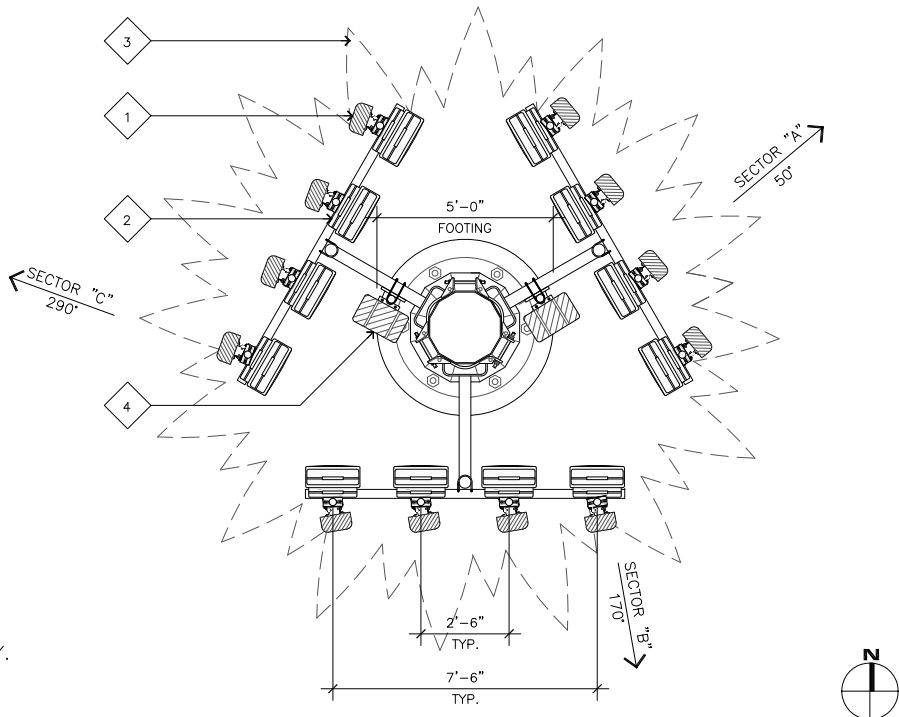
PROPOSED VZW RAYCAPS (2 TOTAL).
- 5

PROPOSED WIRELESS ANTENNA MOUNTING BRACKET.
- 6

PROPOSED 2"Ø MOUNTING POLE.



NOTES:  
1. DETAIL SHOWN FOR REFERENCE ONLY.



NOT USED

SCALE:

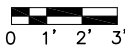
NONE

3

ANTENNA PLAN

SCALE:

3/8"=1'-0"

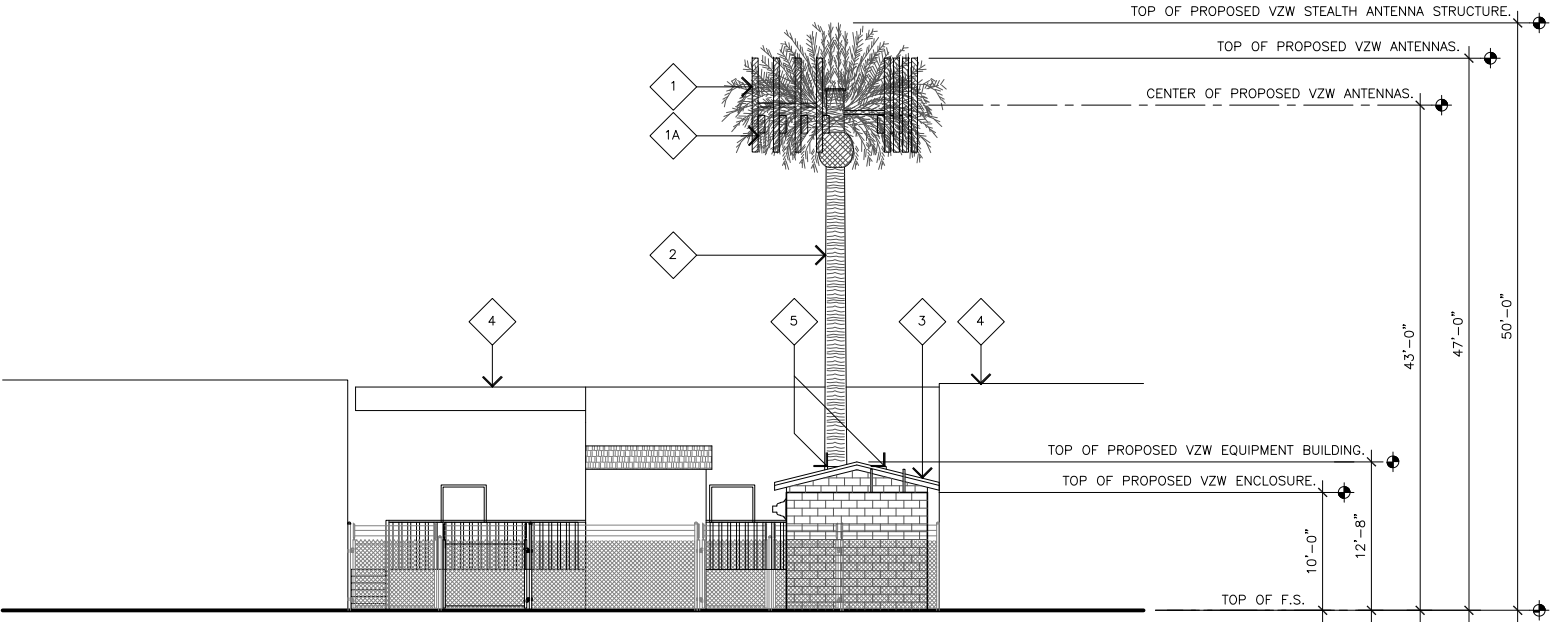


1



KEYNOTES

- 1 PROPOSED (12) VZW ANTENNAS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 1A PROPOSED (12) VZW RRU'S AND (2) RAYCAPS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 2 PROPOSED VZW STEALTH ANTENNA STRUCTURE.
- 3 PROPOSED VZW EQUIPMENT BUILDING.
- 4 EXISTING BUILDING.
- 5 PROPOSED VENT DORMERS.

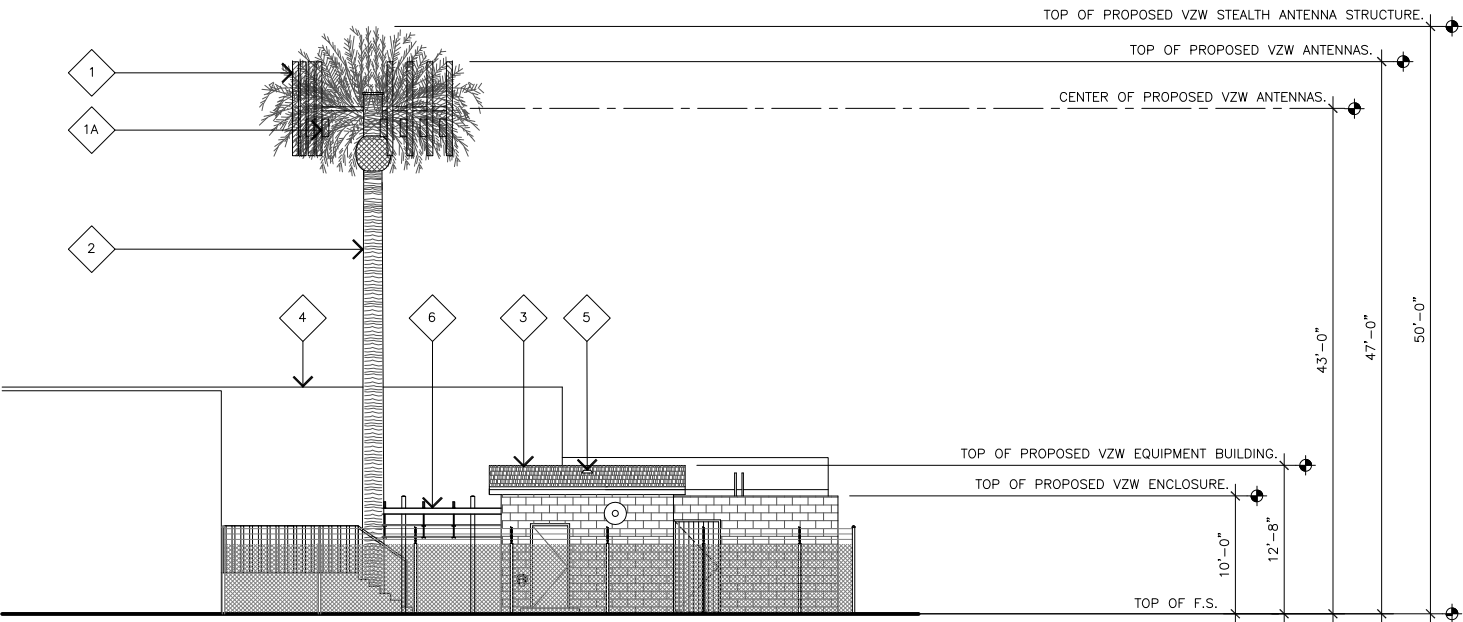


WEST ELEVATION

SCALE:  
1/8"=1'-0" 0 4' 8' 2

KEYNOTES

- 1 PROPOSED (12) VZW ANTENNAS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 1A PROPOSED (12) VZW RRU'S AND (2) RAYCAPS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 2 PROPOSED VZW STEALTH ANTENNA STRUCTURE.
- 3 PROPOSED VZW EQUIPMENT BUILDING.
- 4 EXISTING BUILDING, BEYOND.
- 5 PROPOSED VENT DORMERS.
- 6 PROPOSED VZW CABLE BRIDGE.

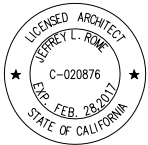


NORTH ELEVATION

SCALE:  
1/8"=1'-0" 0 4' 8' 1

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PREPARED FOR  
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15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618



APPROVALS

R.F. \_\_\_\_\_

ZONING \_\_\_\_\_

CONSTRUCTION \_\_\_\_\_

SITE ACQUISITION \_\_\_\_\_

OWNER APPROVAL \_\_\_\_\_

SITE NAME

**MAIN DIVISION (MCE)**

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

DRAWING DATES

05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)

SHEET TITLE

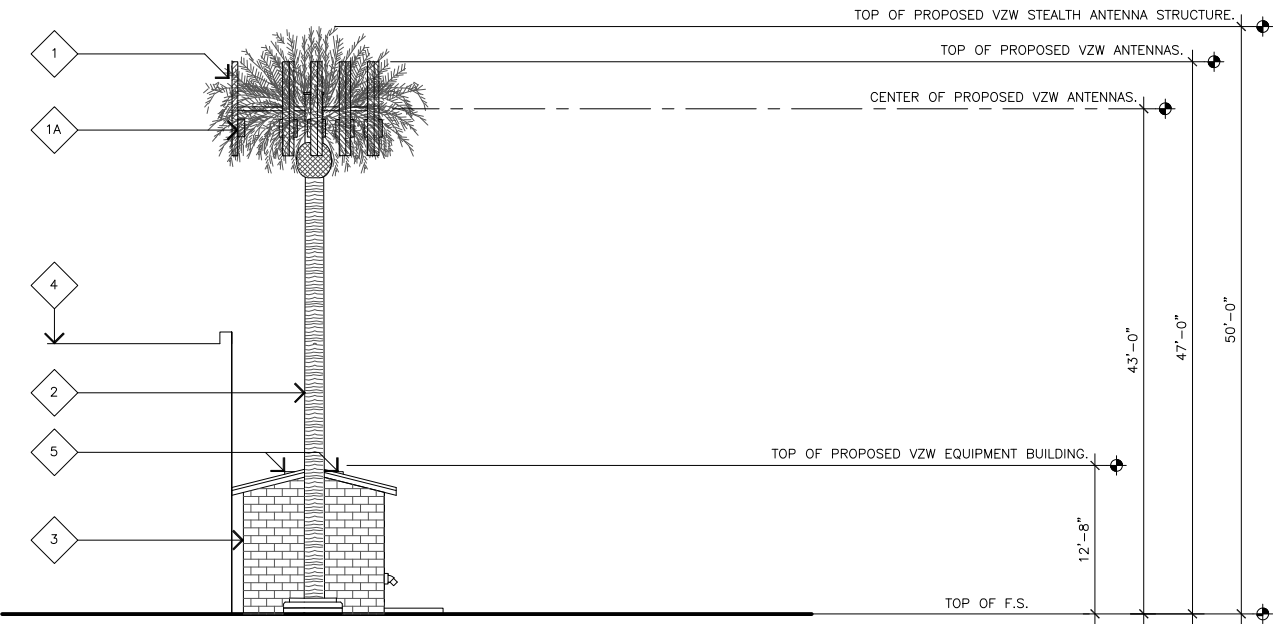
**ELEVATIONS**

**A-2**



KEYNOTES

- 1 PROPOSED (12) VZW ANTENNAS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 1A PROPOSED (12) VZW RRU'S AND (2) RAYCAPS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 2 PROPOSED VZW STEALTH ANTENNA STRUCTURE.
- 3 PROPOSED VZW EQUIPMENT BUILDING.
- 4 EXISTING BUILDING.
- 5 PROPOSED VENT DORMERS.

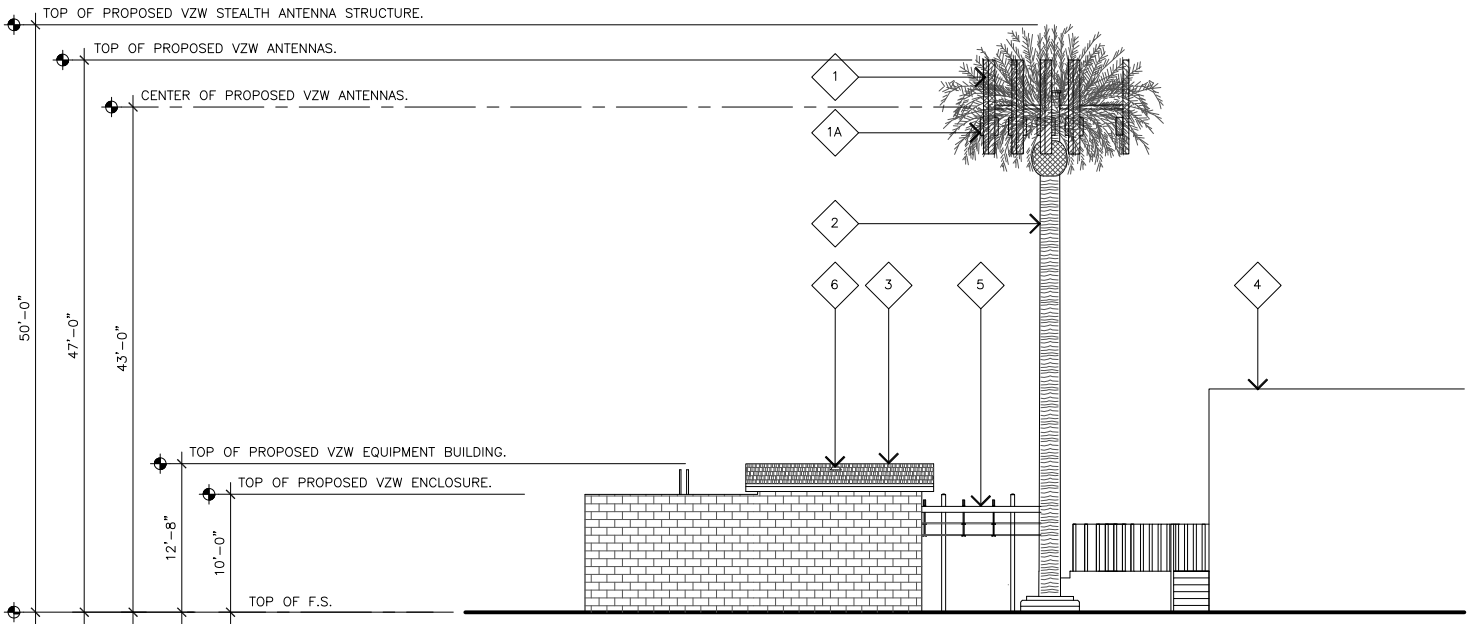


EAST ELEVATION

SCALE:  
1/8"=1'-0" 0 4' 8' 2

KEYNOTES

- 1 PROPOSED (12) VZW ANTENNAS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 1A PROPOSED (12) VZW RRU'S AND (2) RAYCAPS MOUNTED TO PROPOSED STEALTH ANTENNA STRUCTURE.
- 2 PROPOSED VZW STEALTH ANTENNA STRUCTURE.
- 3 PROPOSED VZW EQUIPMENT BUILDING.
- 4 EXISTING BUILDING.
- 5 PROPOSED VZW CABLE BRIDGE.
- 6 PROPOSED VENT DORMERS.

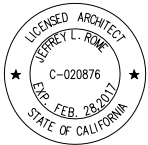


SOUTH ELEVATION

SCALE:  
1/8"=1'-0" 0 4' 8' 1

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IRVINE, CALIFORNIA 92618



APPROVALS

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CONSTRUCTION \_\_\_\_\_

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OWNER APPROVAL \_\_\_\_\_

SITE NAME

**MAIN DIVISION (MCE)**

116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA 91950

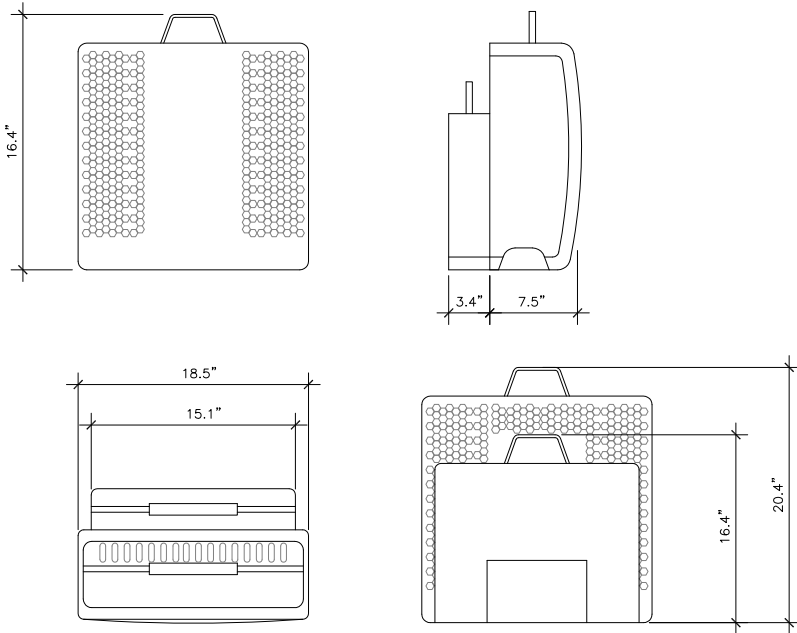
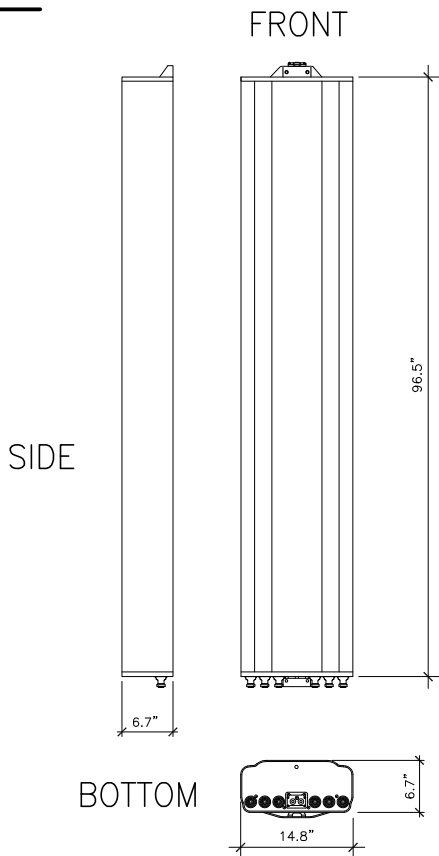
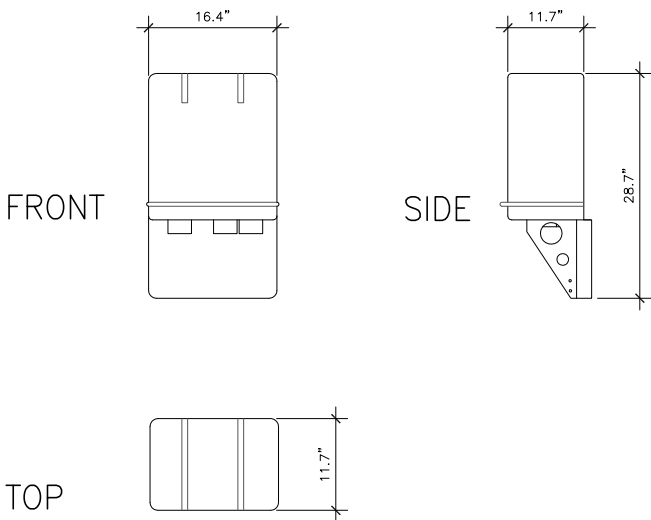
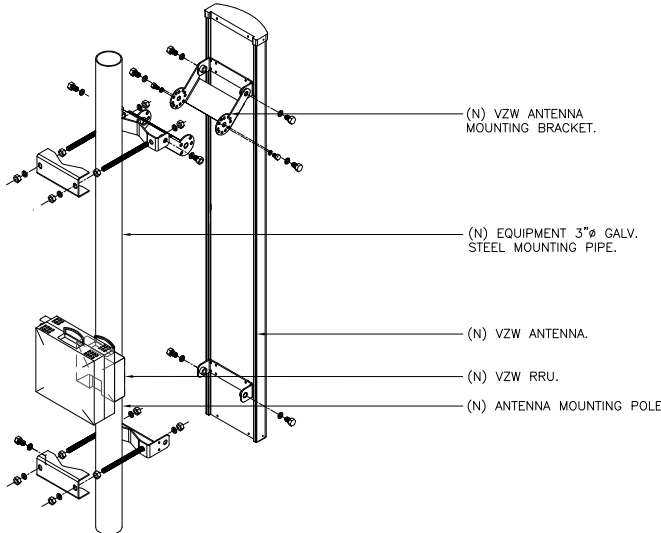
DRAWING DATES  
05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)


SHEET TITLE

**ELEVATIONS**

**A-2.1**




		<div>COLOR: LIGHT GRAY</div> <div>DIMENSIONS, HxWxD: RRUS: 20.4"x18.5"x7.5" RRUS A2: 16.4"x15.1"x3.4"</div> <div>WEIGHT: RRUS: 58.0 LBS. RRUS A2: 22.0 LBS.</div> <div></div>		<div>KATHREIN 800-10866</div> <div>ANTENNA MATERIAL: GRP</div> <div>ANTENNA COLOR: LIGHT GREY</div> <div>DIMENSIONS, HxWxD: (96.5"x14.8"x6.7")</div> <div>WEIGHT: 81.6 lbs</div> <div>WIND LOAD @ 93 MPH: FRONT: 349 LBF SIDE: 115 LBF REAR: 360 LBF</div> <div></div>				
NOT USED	SCALE: NONE	6	RRU SPECIFICATIONS	SCALE: NONE	4	(N) ANTENNA SPECIFICATIONS	SCALE: NONE	2
		<div>COLOR: GRAY</div> <div>DIMENSIONS, HxWxD: 28.7"x16.4"x11.7"</div> <div>WEIGHT: 32.0 lbs</div> <div></div>		<div>NOTES: 1. SEE POLE DRAWINGS FOR ADDITIONAL MOUNTING INFORMATION. 2. SEE ANTENNA MANUFACTURER SPECS. FOR COMPLETE ANTENNA AND BRACKET SPECIFICATIONS. 3. ALL PIPES TO BE REPLACED WITH (N) STEEL PIPES SAME LENGTH AS (N) ANTENNAS. 4. ALL (N) STEEL TO BE HOT-DIPPED GALVANIZED.</div> <div></div>				
NOT USED	SCALE: NONE	5	RAYCAP SPECIFICATIONS	SCALE: NONE	3	ANTENNA/RRU/MOUNTING	SCALE: NONE	1




Jeffrey Rome | ASSOCIATES

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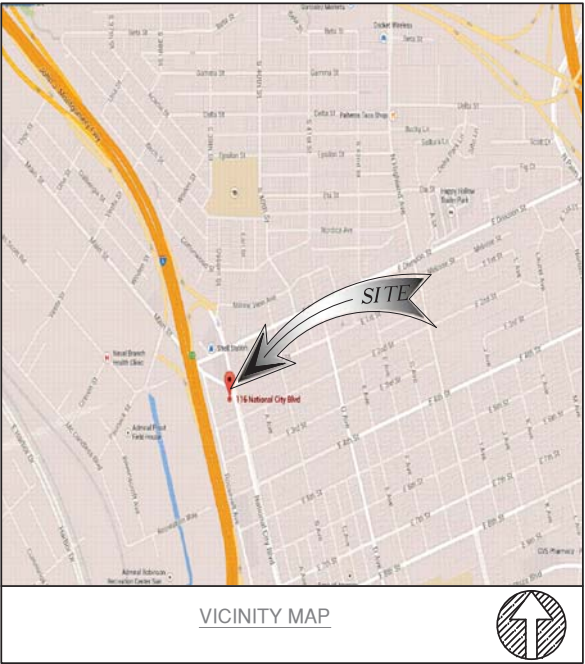
PREPARED FOR  
  
15505 SAND CANYON AVENUE  
IRVINE, CALIFORNIA 92618



APPROVALS  
R.F. \_\_\_\_\_  
ZONING \_\_\_\_\_  
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NATIONAL CITY, CALIFORNIA 91950  
DRAWING DATES  
05/08/15 PRELIM ZD'S (P1)  
05/27/15 100% ZD'S (P2)  
SHEET TITLE  
DETAILS  
A-3

JRA JOB NUMBER: 150680





**LEGAL DESCRIPTION**  
ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 18 AND 19 IN BLOCK 2 IN NATIONAL CITY, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 348, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 2, 1882.

ASSESSOR'S PARCEL NUMBER: 555-020-14

**SITE ADDRESS**

116 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**APN**

555-020-14

**RECORD OWNER**

RODOLFO NARVAEZ AND MARIA C. NARVAEZ, HUSBAND AND WIFE AS JOINT TENANTS

**TITLE REPORT**

A PRELIMINARY TITLE REPORT WAS PREPARED BY COMMONWEALTH LAND TITLE COMPANY FILE NO. 08024523 DATED JANUARY 15, 2015.

**BASIS OF BEARING**

THE STATE PLANE COORDINATE SYSTEM 1983 (NAD 83), CALIFORNIA ZONE 6.

**BENCH MARK**

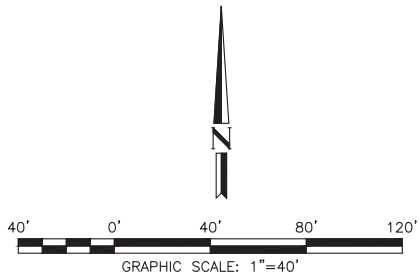
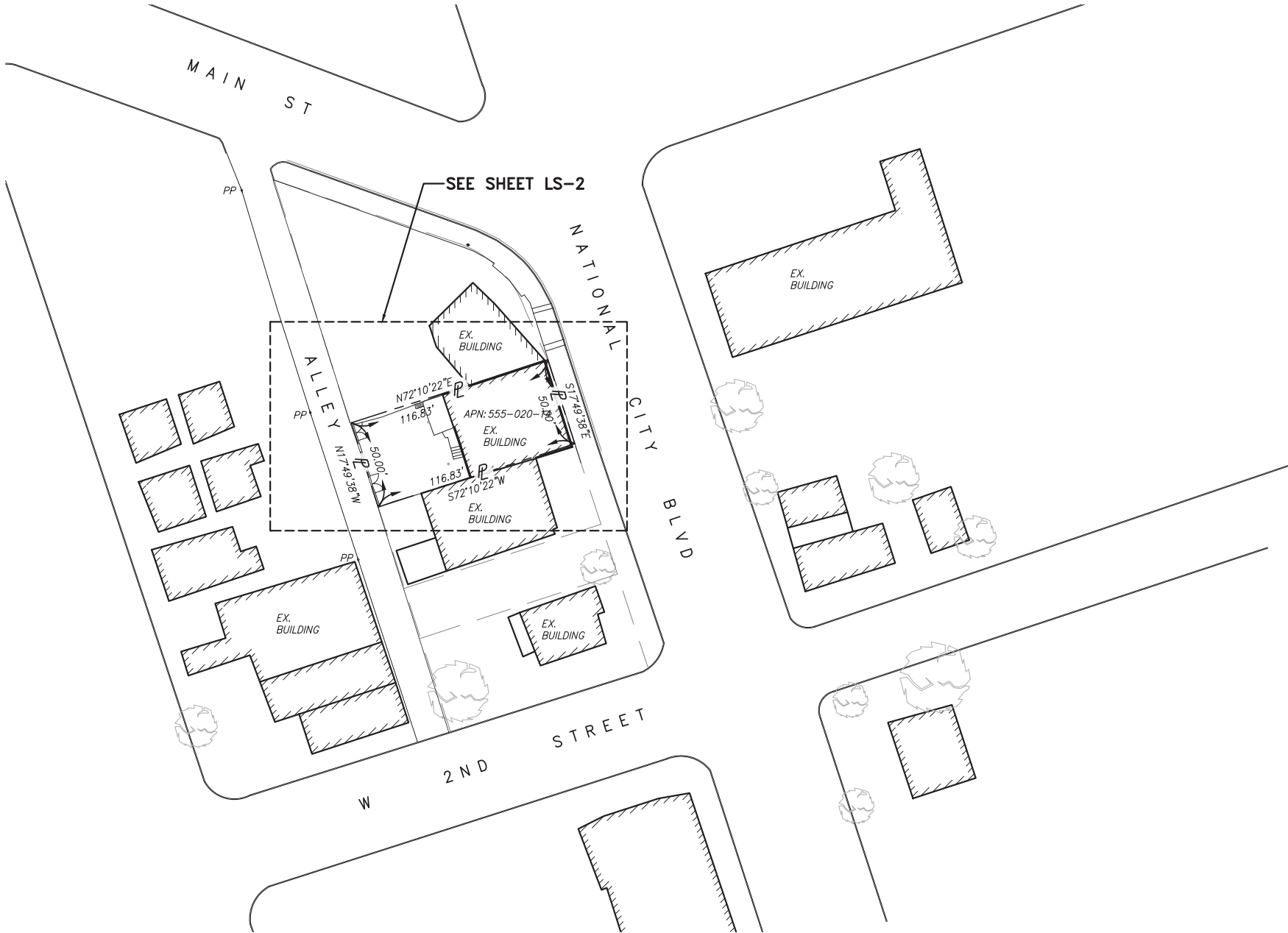
THE CALIFORNIA SPATIAL REFERENCE CENTER CRTN "P475", ELEVATION = FEET (NAVD 88)

**FLOOD ZONE**

SITE IS LOCATED IN FLOOD ZONE "X" AS PER F.I.R.M. MAP NO. 06073C1911G EFFECTIVE MAY 16, 2012.

**SCHEDULE B EXCEPTION**

- ITEMS A, B ARE TAXES RELATED  
ITEMS C, D ARE LIENS RELATED  
ITEM 1 IS RIGHTS RELATED  
ITEM 2 IS NOTICE RELATED  
ITEM 3 IS DEED OF TRUST RELATED  
ITEM 4 IS ASSIGNMENT RELATED  
ITEM 5 IS EASEMENTS NOT DISCLOSED RELATED  
ITEM 6 IS INTENTIONALLY DELETED  
ITEM 7 IS RECORD RELATED



**BOUNDARY DETAIL**

**jra** Jeffrey Rome | ASSOCIATES  
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**verizon** wireless  
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APPROVALS

R.F. \_\_\_\_\_

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OWNER APPROVAL \_\_\_\_\_

SITE NAME  
**MAIN DIVISION**

NARVAEZ PROPERTY  
116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

DRAWING DATES  
04/13/15 PRELIMINARY SURVEY

SHEET TITLE

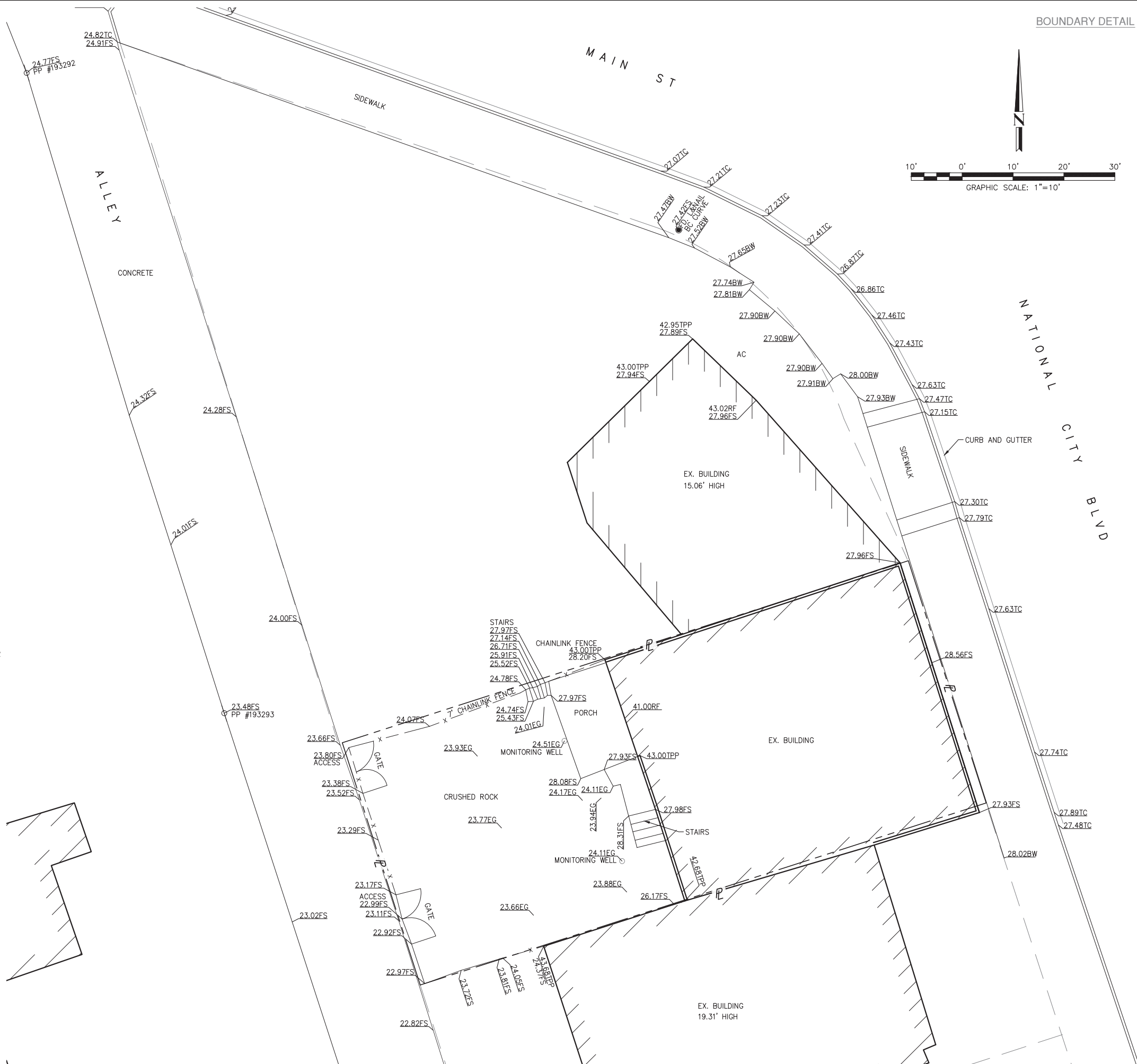
**LS-1**



CENTER LINE  
PROPERTY LINE  
CHAIN-LINK FENCE  
WOOD FENCE  
EASEMENT LINE  
GAS LINE  
SEWER LINE  
WATER LINE  
TELEPHONE CABLE  
WOOD WALL  
CMU WALL  
EDGE OF PVM'T  
EXISTING GROUND  
FOUND  
GUY WIRE ANCHOR  
EDGE OF PAVEMENT  
FLOW LINE  
FINISH SURFACE  
HEIGHT  
NATURAL GRADE  
ROOF GRADE  
RAISED PLATFORM  
MAIL BOX  
PROPERTY LINE  
POWER POLE  
PULL BOX  
SANITARY SEWAGE CLEANOUT  
STREET SIGN/STOP SIGN  
STORM DRAIN MAN HOLE  
SIGN  
TOP OF CURB  
TOP OF WALL  
TOP OF ANTENNA  
UNDERGROUND ACCESS  
BACK FLOW PREVENTER  
WATER METER  
WATER VALVE

	EXISTING LIGHT
	EXISTING ELECTRICAL MH
	EXISTING POLE
	EXISTING STREET LIGHT
	EXISTING SATELLITE DISH
	EXISTING CONDENSER
	ROOF DRAIN
	EXISTING TELE. MANHOLE
	EXISTING WATER METER
	EXISTING BACKFLOW PREVENTER
	EXISTING SIGN
	EXISTING TRAFFIC SIGNAL
	EXISTING ANTENNA
	EXISTING MICROWAVE DISH
	EXISTING SEWER MANHOLE
	POWER POLE
	GUY WIRE ANCHOR
	CATCH BASIN
	FIRE HYDRANT
	VALVE (UTILITY)
	TREE
	PINE TREE
	BUSH
	PALM TREE
	EXISTING CONCRETE
	EXISTING GRASS/TURF

MONUMENT FD  
(AS NOTED)



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## APPROVALS

R.F.

ZONING

CONSTRUCTION

SITE ACQUISITION

OWNER APPROVAL

SITE NAME

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116 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

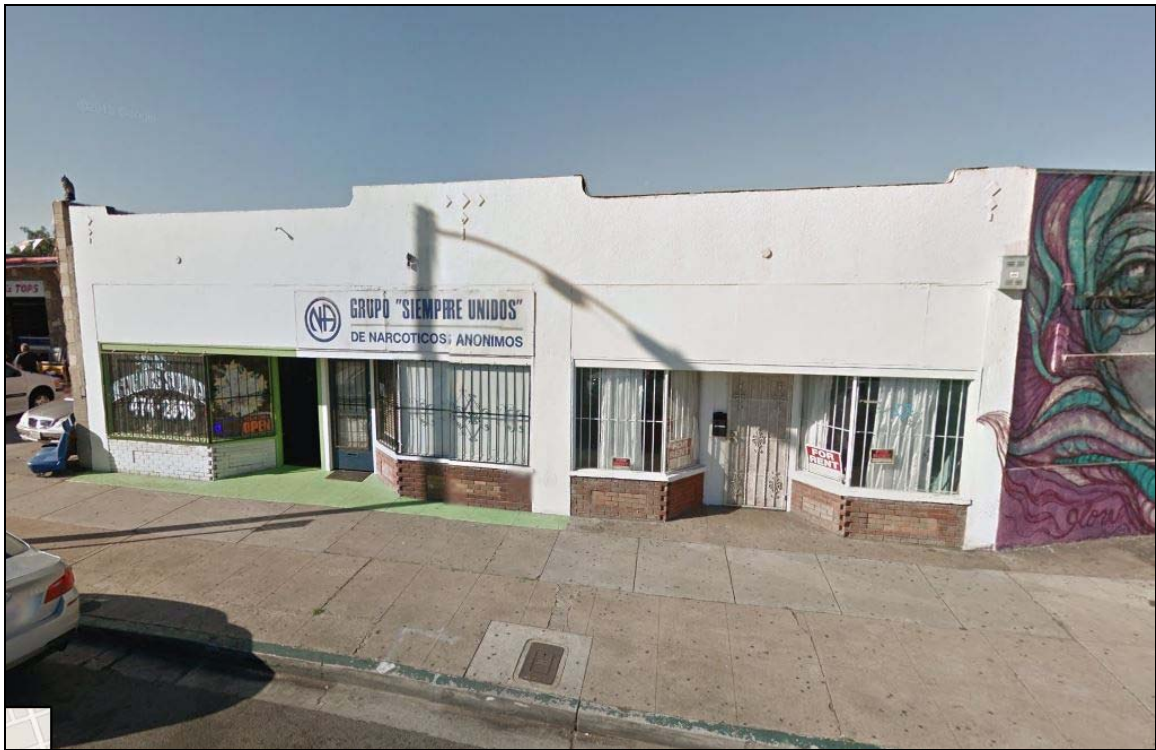
	DRAWING DATES
04/13/15	PRELIMINARY SURVEY

SHEET TITLE

# LS-2



**2015-15 CUP – 116 National City Blvd. – Wireless Facility – Site Photos**



Front of building looking west



Rear of building looking east



**EXISTING**

**Main Division (MCE)**  
116 National City Blvd.  
National City, CA 91950



Proposed monopalm

Proposed equipment shelter  
and generator enclosure

These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

**PROPOSED**



**EXISTING**

**Main Division (MCE)**  
116 National City Blvd.  
National City, CA 91950



Proposed monopalm

Proposed equipment shelter  
and generator enclosure

These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

**PROPOSED**



**EXISTING**

**Main Division (MCE)**  
116 National City Blvd.  
National City, CA 91950



These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

**PROPOSED**



**EXISTING**

**Main Division (MCE)**  
116 National City Blvd.  
National City, CA 91950



Proposed monopalm

These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

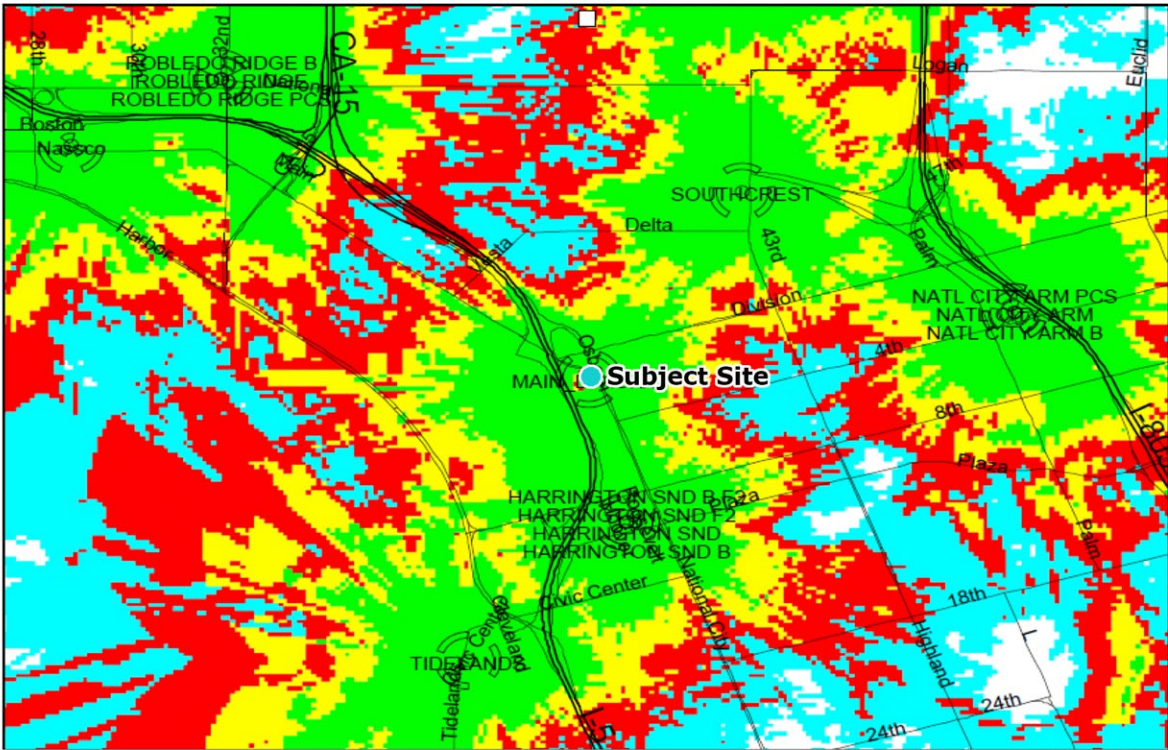
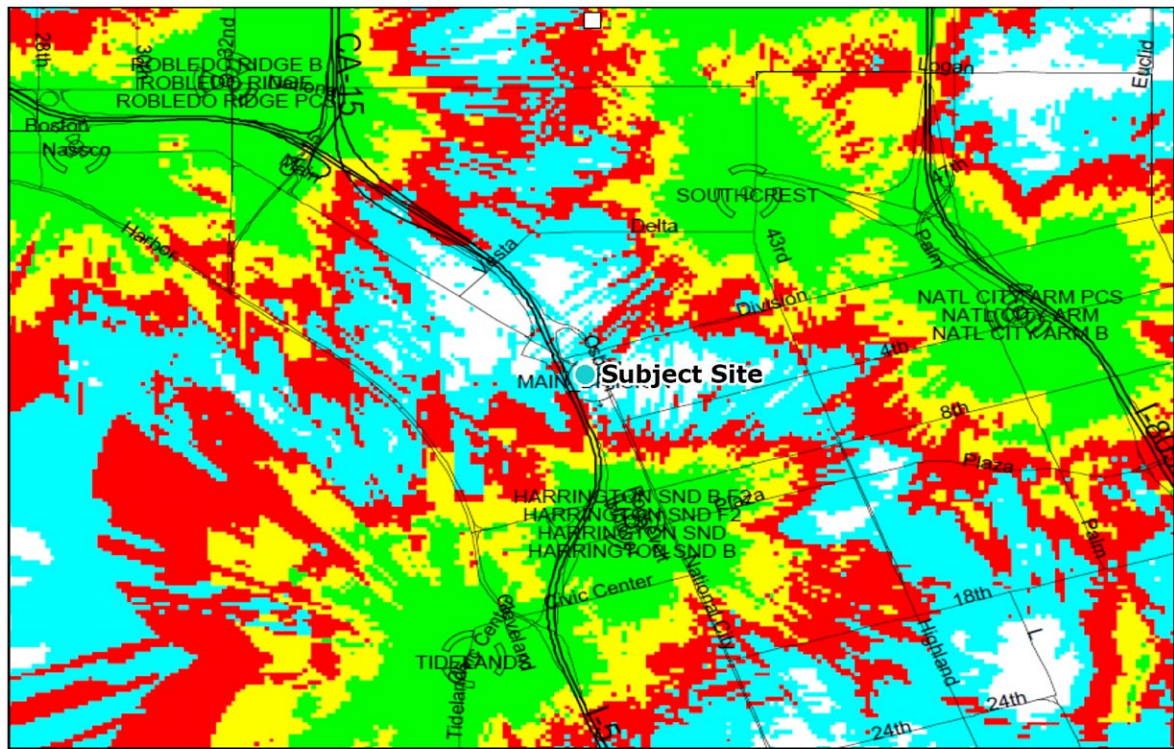
**PROPOSED**



Main Division (MCE)  
116 National City Blvd.  
National City, CA 91950



Coverage without site



Coverage with site





**CITY OF NATIONAL CITY**

**Office of the City Clerk**

1243 National City Blvd., National City, California 91950

619-336-4228 phone / 619-336-4229 fax

Michael R. Dalla, CMC - City Clerk

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., **Tuesday, November 30, 2015**, in the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider:

### **CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY TO BE LOCATED AT 116 NATIONAL CITY BLVD.**

The Planning Commission conducted a public hearing at their meeting of September 14, 2015 and voted 5-2 to recommend approval of the Conditional Use Permit.

Anyone interested in this matter may appear at the above time and place and be heard.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the undersigned, or to the City Council of the City of National City at, or prior to, the Public Hearing.

October 21, 2015

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Michael R. Dalla, CMC  
City Clerk





CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A  
WIRELESS COMMUNICATIONS FACILITY TO BE  
LOCATED AT 116 NATIONAL CITY BLVD.

Case File No.: 2015-15 CUP

Location: Southwest of National City Blvd. / Main Street intersection

Assessor's Parcel No.: 555-020-14

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: PlanCom, Inc. for Verizon Wireless

Property owner: Rodolfo & Maria Narvaez

Zoning designation: Downtown Specific Plan Development Zone 1A  
(DZ-1A)

Adjacent land use/zoning:

North: Liquor store/market / DZ-1A

East: Auto body shop across National City Blvd. / DZ-2

South: Auto upholstery shop / DZ-1A

West: Commercial and residential across alley / DZ-1A

Environmental review: Categorically Exempt pursuant to Class 3 Section 15303  
(New Construction or Conversion of small structures)

Staff recommendation: Approve



## **BACKGROUND**

### **Site Characteristics**

The project site is located near the southwest corner of National City Blvd. and Main Street in Development Zone 1A of the Downtown Specific Plan area. The 5,750 square-foot property is developed with a 3,000 square-foot commercial building that fronts on the west side of National City Blvd. The rear part of the lot is fenced off and is accessible from an alleyway located adjacent to the west of the property.

### **Proposed Use**

The applicant is proposing to construct a 50-foot tall faux palm tree (monopalm) with 12 antennas, and a 364 square-foot equipment enclosure with emergency generator. The facility would be located in the rear lot behind the commercial building. The equipment shelter would be constructed of CMU block. The generator would be for backup purposes only and would be exercised for 15 minutes once a month for testing purposes.

### **Analysis**

The proposed use is consistent with General Plan policy, since Policy E-3.3 (Education and Public Participation) of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology. The proposal is also consistent with the Downtown Specific Plan, since wireless communications facilities are a conditionally-allowed use in Development Zone 1A of the Downtown Specific Plan Area.

Consistent with City policy, the proposed facility will not be highly visible to the observer, since the antennas will be screened by the fronds of the faux palm tree. There are several other mature palms in the area, which will add to the stealth nature of the tree when viewed from nearby streets. The trees are located to the south on both sides of National City Blvd., and also to the north on the east side of National City Blvd. Exhibit B shows the proposed monopalm in a photo simulation.

The area in which the project is proposed is currently fenced off and not used for anything. Because the area is directly adjacent to an alley, any service vehicles would not affect traffic on adjacent City streets. The applicant has stated that only one maintenance trip is expected every 4-6 weeks. Periodic maintenance would include running the emergency backup generator for 15 minutes on an approximate monthly basis. The generator is proposed within a CMU block wall; therefore, noise is not much of a factor. However, a Condition of Approval has been added to ensure that all activities comply with Title 12 (Noise) of the Municipal Code. Conditions also include graffiti protection of the block wall.



The proposed facility is designed to address an area of weak or no service in the Verizon Wireless network. There are two other co-location opportunities in this area – 241 National City Blvd. and 330 National City Blvd. However, the applicant has stated that neither of these facilities was feasible for their needs. The antennas would provide coverage to the northwest, east, and south, which encompasses Division Street eastward and the Interstate 5 corridor northward into San Diego.

With the subject palm tree being higher than all buildings adjacent in the area, the antennas would have clear reception and transmission in those directions. Nearby land uses in these directions are residential, commercial, and commercial/residential respectively. However, the antennas are positioned in such a way as to be directed above any nearby sensitive uses. Although there are such land uses in the vicinity, it should be mentioned that, per the 1996 Telecommunications Act, “no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.” It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval (No. 15) is included requiring these permits.

#### California Environmental Quality Act (CEQA)

The proposed project has been reviewed in compliance with the California Environmental Quality Act. Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Comments were received from the Fire Department and require compliance with the California Fire Code and local Codes. Standard Conditions of Approval for wireless facilities are also included, requiring compliance with applicable codes, all necessary state/local/federal permits, and that any external equipment is painted to match the surface on which it is mounted.

#### Summary

The proposed project is consistent with the Land Use Code in that it meets all applicable design requirements for wireless communication facilities. The project is considered ‘stealth’ and blends in with nearby development. The new facility will help to provide coverage in an area with limited service and provide additional reception for Verizon Wireless customers.



## **OPTIONS**

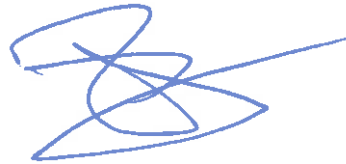
1. Approve 2015-15 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-15 CUP based on findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

## **ATTACHMENTS**

1. Recommended Findings for Approval
2. Recommended Conditions
3. Location Map
4. Nearby Wireless Facilities Map
5. Site Photos
6. Coverage Maps
7. Public Hearing Notice (Sent to 33 property owners)
8. Notice of Exemption
9. Applicant's Plans (Exhibits A and B, Case File No. 2015-15 CUP, dated 6/18/2015)



MARTIN REEDER, AICP  
Principal Planner



BRAD RAULSTON  
Executive Director



**RECOMMENDED FINDINGS FOR APPROVAL**  
**2015-15 CUP – 116 National City Blvd.**

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in Development Zone 1A of the Downtown Specific Plan Area.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology; and since wireless communications facilities are a conditionally-allowed use in Development Zone 1A of the Downtown Specific Plan Area.
3. That the site for the proposed use is adequate in size and shape, since the facility, including the faux palm tree and equipment shelter (364 square feet), can easily be accommodated on the 5,750 square-foot site, and will not affect surrounding existing uses.
4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 50-foot artificial palm tree will adequately screen the twelve panel antennas, and since the equipment shelter will blend in with adjacent commercial development.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.



## **RECOMMENDED CONDITIONS OF APPROVAL**

### **2015-15 CUP – 116 National City Blvd.**

#### **General**

1. This *Conditional Use Permit* authorizes a wireless communications facility at 116 National City Blvd. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B dated 6/18/2015 Case File No. 2015-15 CUP. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### **Building**

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.
6. Call 800-227-2600 (Underground Service Alert) for mark out prior to any digging activities.
7. Television cable companies shall be notified a minimum of 48 hours prior to filling of cable trenches.
8. Exterior walls of accessible poles/walls to a height of not less than six feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.



## Fire

9. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
10. Emergency Generator Shutdown procedures shall be posted in a conspicuous area on the exterior of the emergency generator enclosure. The sign shall be clearly visible from the public right-of-way. If the power source is inside a building and cannot be seen from the public right-of-way, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
11. A 704 emergency placard shall be posted at the site. The Sign shall be clearly visible from the public right-of-way.
12. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

## Engineering

13. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
14. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.

## Planning

15. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
16. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
17. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.



18. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.





Wireless facilities in National City

Wireless facilities in unincorporated area

Feet  
0 1,375 2,750 5,500

## Wireless Communication Facilities



FACILITY	APN	LOCATION	PROVIDER	FILE NO
1	562-340-44	2434 Southport	Urban Comm Rad	CUP-1992-11
		Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna		
2	562 340 26	300 W 28th	AirTouch	CDC Resc 94-28
		75-foot monopole with three sector antennas and 450-sa foot equipment building.		
	562-340-26	300 W 28th	Nextel	CUP-2003-30
		12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment		
4	559-032-02	1215 Wilson	Pac Bell	CUP-1995-11
		Located on roof of existina building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.		
5	557-410-03	1645 E Plaza	Pac Bell	CUP--1995-13
		Located on roof of Quality Inn. PCS facility- six panel antennas and equipment cabinet.		
6	555-086-11	910 Hoover	AirTouch	CUP-1995-18
		Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet		
7	556-471-24	801 National City Blvd	AT&T	CUP-1996-2
		Located on roof of Red Lion Hotel. Paging facility- four whip antennas, one global positioning satellite antenna and equipment cabinet.		
	556-471-24	801 National City Blvd	Nextel	CUP-1994-8
		Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.		
	556-471-24	801 National City Blvd	Pagenet	CUP-1996-12
		Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.		
	556-471-24	801 National City Blvd	AT&T	CUP-1999-5
		Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base system.		
8	554-120-30	2400 E 4th	AT&T	CUP-1996-4
		Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal PPositioninasatellite antenna and equipment cabinet.		
9	559-160-13	1022 W Bay Marin	GTE	CUP-1996-5
		Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.		
10	563-370-36	3007 Highland	Pac Bell	CUP-1996-6
		Located on existing Super Saver building. PCS facility- six panel antennas and two equipment cabinets.		
12	554-050-12	303 Palm	AirTouch	CUP-1996-8
		60-foot hiah monopole with six whip antennas, thirty directional cellular antennas, and three dishes with an eaulDmentcabinet at base.		
	554-050-12	303 Palm	Sprint PCS	CUP-2001-10
		Located on National Guard Armory property. PCS facility six antennas in three 40-foot flag poles, one GPS antenna and a new equipment building.		



52	560-191-30	1701 D Ave	Nextel	CUP-2004-12
		12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure		
53	551-570-20	51 N Highland	Sprint	CUP-2004-15
		2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets		
55	563-231-39	1914 Sweetwater	Nextel	PC Reso 20-2002
		2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets		
57	554-120-24	2701 E 8th	Cingular	PC Reso 02-2001
		Co-location in church spire-3 antennas within existing architectural feature		
	554-120-24	2701 E 8th	T-Mobile	CUP-2000-19
		Located at existing church. Antennas located in a GO-footmonument.		
	554-120-24	2701 E 8th	Sprint	CUP-2000-27
		12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the buildings		
	554-120-24	2701 E 8th	AT&T	CUP-2000-19
		Located at existing church. Antennas located in a 60-foot monument		
58	558-030-30	1035 Harbison	Nextel	CUP-2005-3
		12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.		
60	556-510-12	914 E 8th	Cingular	CUP-2005-10
		12 panel antennas on 39-ft monopine with 280 sq. ft. equipment shelter		
61	559-040-53	1439 Tidelands	Cingular	CUP-2005-9
		12 panel antennas on monopalm with associated equipment shelter		
	559-040-53	1445 Tidelands	Nextel	CUP-2000-31
		40-foot monopalm with three sectors of four antennas each and equipment shelter		
63	562-200-02	2900 Highland	Cingular	CUP-2005-12
		3 antennas on replacement light standard with associated equipment shelter		
64	563-010-47	2605 Highland	Cricket	CUP-2006-11
		3 antennas in new architectural feature of church with associated equipment		
	563-010-47	2605 Highland	Sprint	CUP-2002-18
		Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.		
65	557-420-31	1900 E Plaza	Cricket	CUP-2006-6
		3 antennas on new faux palm tree with associated equipment		
	557-420-31	1900 E Plaza	Cingular	CUP-2004-4
		5 panel antennas in a new pole sign at Jimmy's Restaurant		
67	561-222-23	1526-40 E 18th	T-Mobile	CUP-2006-10
		12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter		
68	564-471-07	3030 Plaza Bonita Rd	Cingular	CUP-2005-24
		12 antennas facade mounted to new rooftop enclosure that will house equipment		



68	564-471-07	3030 Plaza Bonita Rd	Verizon	CUP-2003-13
	12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall			
69	559-106-17	525 W 20th	Cricket	CUP-2005-25
	3 antennas on existing self storage building painted to match with associated equipment			
	559-106-17	525 W 20th	Sprint	CUP-2001-4
	Located on existing storage building. Wireless communication facility- 9 antennas and equipment building.			
70	554-050-15	2005 E 4th	Cricket	PC Reso (9-2003
	3 antennas on existing light standard with associated equipment shelter			
	554-050-15	2005 E 4th	Cingular	CUP-2003-5
	12 panel antennas on a replacement 100 foot light standard in ElTovon park and a 160 square foot equipment enclosure.			
	554-050-15	2005 E 4th	GTE	CUP-1998-4
	Located in ElTovon Park. Cellular facility- 97'8" monopole with twelve panel antennas, three omni antennas, and 192-sqfoot equipment building.			
	554-050-15	2005 E 4th	Nextel	CUP-2005-15
	12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft. equipment shelter			
71	564-290-06	3820 Cagle St	Cricket	PC RESO 10-2004
	3 antennas on existing faux pine tree with vaulted equipment shelter			
	564-290-06	3820 Cagle St	Sprint	CUP-2001-2
	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 35-foot pole with six antennas, equipment building and adjacent lighting for the park.			
	564-290-06	3820 Cagle St	T-Mobile	CUP-2004-3
	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 55-foot monopine with twelve panel antennas and equipment building			
	564-290-06	3820 Cagle St	Cingular	PC Reso 11-2002
	Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault			
72	669-060-26	5800 Boxer Rd	Cricket	PC RESO 32-2003
	3 antennas on existing water tower with associated equipment shelter			
	669-060-26	5800 Boxer Rd	T-Mobile	CUP-2003-16
	12 panel antennas on the outside of the 0.0. Arnold water tank and a 150 square foot equipment enclosure adjacent to the tank			
	669-060-26	5800 Boxer Rd	Sprint	PC Reso 32-2003
	6 panel antennas on the outside of the 0.0. Arnold water tank and a 360 square foot equipment enclosure adjacent			
	669-060-26	5800 Boxer Rd	Cingular	CUP-2005-21
	12 panel antennas on the outside of the 0.0. Arnold water tank and a 520 square foot equipment enclosure adjacent			
73	562-330-43	152 W 33rd	Cricket	PC Reso 21-2002
	3 antennas on existing self storage within matching architectural projection with associated equipment			
	562-330-43	152 W 33rd	Sprint	CUP-2002-8
	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the			



74	555-053-17	700 NCB	Cricket	PC Reso 05-2000
	3 antennas facade mounted to existina hotel with associated equipmen			
	555-053-17	700 NCB	Metricom	CUP-2000-4
	Located atop Holiday Inn. Wireless communication facility with equipment cabinet.			
	555-053-17	700 NCB	Skytel	CUP-2000-30
	Located atop Holiday Inn Hotel. - 8-foot whip antenna, two 4x2-foot panel antennas, and one GPS antenna with two indoor equipment cabinets.			
75	560-203-03	1800 National City Blvd	Nextel	CUP-2006-15
	15 panel antennas behindscreen wall atop existing car dealership with associated equipment			
76	561-360-35	1810 E 22nd	Cricket	2007-14 CUP
	3 antennas on recreation building at Las Palmas Park			
	561-360-35	1820 E 22nd	Sprint-Nextel	CUP-2000-8
	Located in Las Palmas Park. Monopalm and equipment along with live palms.			
78	560-143-36	1703 Hoover	Clewire	2009-22 CUP
	9 antennas located on 3 different locations on industrial/ warehouse building. Each location will have 2 panel antennas. Associated equipment will be located in building			
79	559-160-33	700 Bay Marina Dr	Clewire	2009-23 CUP
	9 antennas on tower of Marina Gateway Plaza commercial building hidden behind parapet wall. 6-foot tall equipment cabinet on roof below tower will be mostly covered			
80	560-151-20	142 E 16th	AT&T	2010-11 CUP
	6 panel antennas and RF transparent cupola atop National City Ministry Church, as well as a 330 sq ft equipment/storage/trash enclosure on the ground. The 8-foot tall Cupola will have a cross affixed to it in order to appea as part of the church			
81	561-271-01	2005 Highland Ave	Plancom	2010-31 CUP
	12 antennas on a 43-foot mono-palm on eastern property line			
	561-271-01	2005 Highland	T-Mobile	CUP-2003-4
	12 antennas on the roof of a Highland Avenue office building			
	561-271-01	2005 Highland	Cingular	CUP-2006-2
	12 antennas on the roof of a Highland Avenue office building with new cupola to match existing			
82	563-184-47	2909 Shelby Dr		P95-025
	75-foot monopole and equipment building.			
83	563-062-17	2524 Prospect St	AT&T	ZAP99-023
	35-foot monopalm with three sector directional antenna system and equipment cabinets.			
85	564-310-32	3312 Bonita Heights Lane	AT&T	ZAP00-133
86	563-063-29	2563 Grove St	AT&T	MUP91-026W2



86	563-063-29	2563 Grove St	P91-026W
	Monopole located aside live palm trees.		





CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**NOTICE OF PUBLIC HEARING**  
**CONDITIONAL USE PERMIT FOR A**  
**WIRELESS COMMUNICATIONS FACILITY**  
**TO BE LOCATED AT 116 NATIONAL CITY BLVD.**  
**CASE FILE NO.: 2015-15 CUP**  
**APN: 555-020-14**

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, September 14, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: PlanCom, Inc. for Verizon Wireless)

The applicant is proposing to construct a 50-foot tall artificial palm tree with 12 antennas, and a 364 square-foot equipment enclosure with emergency generator. The facility would be located behind the commercial building.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 12:00 p.m., **September 14, 2015**, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov)

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON  
Executive Director





CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**NOTICE OF EXEMPTION**

TO: County Clerk  
County of San Diego  
P.O. Box 1750  
1600 Pacific Highway, Room 260  
San Diego, CA 92112

**Project Title:** 2015-15 CUP

**Project Location:** 116 National City Blvd., National City, CA, 91950

**Lead Agency:** City of National City

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for a wireless communications facility behind an existing commercial building in a developed commercial area. The project will increase signal strength and service area for Verizon Wireless customers.

**Applicant:**

PlanCom, Inc. for Verizon Wireless  
302 State Place  
Escondido, CA 92029

**Telephone Number:**

(760) 587-3003

**Exempt Status:**

☒ **Categorical Exemption. Class 3 Section 15301 (Existing Facilities)**

**Reasons why project is exempt:**

There is no possibility that the proposed use will have a significant impact on the environment since antennas will be screened by an artificial palm tree, which is proposed in an unused and separated area behind a commercial building. The proposal will not affect use of the property.

Date:

MARTIN REEDER, AICP  
Principal Planner



**RESOLUTION NO. 2015-17**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR A  
WIRELESS COMMUNICATIONS FACILITY  
TO BE LOCATED AT 116 NATIONAL CITY BLVD.  
APPLICANT: PLANCOM, INC. FOR VERIZON WIRELESS  
CASE FILE NO. 2015-15 CUP  
APN: 555-020-14**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a wireless communications facility to be located at 116 National City Blvd. at a duly advertised public hearings held on September 14, 2015, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-15 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on September 14, 2015, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in Development Zone 1A of the Downtown Specific Plan Area.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology; and since wireless communications facilities are a conditionally-allowed use in Development Zone 1A of the Downtown Specific Plan Area.
3. That the site for the proposed use is adequate in size and shape, since the facility, including the faux palm tree and equipment shelter (364 square feet), can easily be accommodated on the 5,750 square-foot site, and will not affect surrounding existing uses.



4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 50-foot artificial palm tree will adequately screen the twelve panel antennas, and since the equipment shelter will blend in with adjacent commercial development.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 116 National City Blvd. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B dated 6/18/2015 Case File No. 2015-15 CUP. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.



## Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.
6. Call 800-227-2600 (Underground Service Alert) for mark out prior to any digging activities.
7. Television cable companies shall be notified a minimum of 48 hours prior to filling of cable trenches.
8. Exterior walls of accessible poles/walls to a height of not less than six feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.

## Fire

9. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
10. Emergency Generator Shutdown procedures shall be posted in a conspicuous area on the exterior of the emergency generator enclosure. The sign shall be clearly visible from the public right-of-way. If the power source is inside a building and cannot be seen from the public right-of-way, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
11. A 704 emergency placard shall be posted at the site. The Sign shall be clearly visible from the public right-of-way.
12. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

## Engineering

13. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
14. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.

## Planning

15. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
16. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.



17. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
18. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

**CERTIFICATION:**

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 14, 2015, by the following vote:

AYES: Baca, Bush, Flores, Alvarado, Dela Paz

NAYS: Garcia, Yamane

ABSENT: None

ABSTAIN: None

  
CHAIRPERSON



The following page(s) contain the backup material for Agenda Item: Public Hearing – Conditional Use Permit for a Wireless Communications Facility located at 205 Highland Avenue. (Applicant: Verizon Wireless) (Case File 2015-02 CUP) (Planning)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** \_\_\_\_\_

**ITEM TITLE:**

Public Hearing – Conditional Use Permit for a Wireless Communications Facility located at 205 Highland Avenue (Applicant: Verizon Wireless) (Case File 2015-02 CUP)

**PREPARED BY:** <sup>MR</sup> Martin Reeder, AICP

**DEPARTMENT:** Planning

**PHONE:** 336-4313

**APPROVED BY:** \_\_\_\_\_

**EXPLANATION:**

The applicant has applied for a Conditional Use Permit (CUP) to install 12 wireless antennas and accompanying operating equipment within a new architectural feature at 205 Highland Avenue. The CUP was approved by Planning Commission on October 5, 2015, on a six to zero vote with one member absent.

City Council considered a Notice of Decision for this item at their meeting of October 20, 2015. Council held the item over for a public hearing in order to discuss the item further.

The attached background report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Categorically Exempt pursuant to Class 3 Section 15303 (New Construction or Conversion of small structures)

**ORDINANCE:** **INTRODUCTION:** ☐

**FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission approved the Conditional Use Permit.

Ayes: Alvarado, Baca, DeLaPaz, Flores, Garcia, Yamane

Absent: Bush

**ATTACHMENTS:**

- |                                       |  |
|---------------------------------------|--|
| 1. Background Report                  | 5. Reduced Plans                             |
| 2. Recommended Findings               | 6. Photo simulations, and coverage maps      |
| 3. Recommended Conditions of Approval | 7. Public Hearing Notice                     |
| 4. Location Map                       | 8. Planning Commission report and resolution |



## **BACKGROUND REPORT**

The applicant has applied for a Conditional Use Permit (CUP) to install 12 wireless antennas and accompanying operating equipment within a new architectural feature at 205 Highland Avenue. A public hearing was held by the Planning Commission on October 5, 2015; the Commission voted to approve the CUP by a vote of six to zero with one member absent. City Council considered a Notice of Decision of the Planning Commission approval at their meeting of October 20, 2015.

At the Notice of Decision meeting, the City Council requested that the item be held over for a public hearing in order to discuss the item further, as well as to discuss federal and/or state regulations that pertain to telecommunications facilities. The purpose of tonight's public hearing is to discuss the merits of the project and to direct staff to return with a resolution based on either the attached findings and conditions for approval or the findings for denial; or, to return with a resolution based on other findings for approval or denial to be determined by the Council. A resolution will be placed on the next City Council agenda.

### **Planning Commission Hearing**

Planning Commission conducted a public hearing on October 5, 2015. Commissioners asked questions regarding design, maintenance, and tenant notification. The Commission voted to approve the Conditional Use Permit based on attached findings and subject to Conditions of Approval. No comments were received from community members, with the exception of the applicant, who spoke in support of the project. The Commission voted to approve the Conditional Use Permit based on findings and Conditions of Approval provided in the Planning Commission staff report (attachment No. 8).

### **Project location**

The project site is located in the southeast corner of Highland Avenue and East 2<sup>nd</sup> Street in the Minor Mixed-Use Corridor (MXC-1) zone. The 23,000 ± square-foot property is developed with a 12,000 ± square-foot commercial center that fronts on the east side of Highland Avenue. There is a parking lot located behind the "L"-shaped building, which is accessible from East 2<sup>nd</sup> Street. There are also some storage buildings in the parking lot, which are attached to the rear part of the building.

### **Proposed Use**

The applicant is proposing to install twelve panel antennas and a four-foot diameter microwave dish, along with the associated operating equipment and a backup generator. Eight antennas and the associated equipment will be within a structure behind the center on the north side of the property. The structure will replace an existing storage building, but will be extended to a height of 25 feet. The other four antennas will be within a new roof element at the southwest corner of the building, which matches the extended storage building. Both elements would be stucco-covered. A CMU generator enclosure is proposed that would replace a storage building directly south of the section



containing the eight antennas. The generator would be for backup purposes only and would be exercised for 15 minutes once a month for testing purposes.

### **Analysis**

Telecommunication facilities are addressed in the Land Use Code, at National City Municipal Code § 18.30.220. The purpose of the code section is to “provide a uniform and comprehensive set of standards for the development, siting, and installation of wireless telecommunications facilities . . . to preserve community character and protect aesthetic quality . . .”

Design guidelines for telecommunications facilities are outlined in the Land Use Code at National City Municipal Code § 18.30.220(B). The guidelines require, to the greatest extent possible, that such facilities “be sensitively designed and located to be compatible with and minimize visual impacts to surrounding areas, including public property.” The design guidelines detail the various factors which affect aesthetics and neighborhood character. Whether the wireless facility meets the guidelines is the decision to be made by the City Council in either approving or denying the permit. Specific design guidelines are as follows:

- Innovative design solutions that minimize visual impacts should be utilized; stealth solutions where facilities are not detectable are especially encouraged.
- Telecommunication facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission.
- Antennas and their support structures should be located on the rear half of property or structures when reasonable transmission and/or reception would not be impaired and when visual impacts would be reduced, unless no other feasible alternative location exists.
- Telecommunication facilities and appurtenances should not be situated between the primary building on the parcel and any public or private street adjoining the parcel.
- Telecommunication facilities should be located and designed to avoid blocking and/or substantially altering scenic views.
- Building mounted telecommunication facilities are encouraged rather than telecommunication towers.
- Building mounted telecommunication facilities should be integrated with existing structures.
- Telecommunication facilities should be designed and painted a color that blends with the surrounding natural or manmade features.
- Telecommunication facilities and appurtenances shall be screened by existing and/or proposed structures and landscaped to the extent possible without compromising reception and/or transmission.



- The design of fencing, landscaping, and other screening for telecommunication facilities shall be integrated and compatible with surrounding improvements.
- Multiple telecommunication facilities of reduced heights are encouraged to cover a service area where the visual impacts would be less than a single larger and more visually obtrusive tower.
- Co-location of commercial telecommunication towers and the use of the same site by multiple carriers is encouraged where feasible and found to be desirable.
- Monopoles or guyed/lattice towers are discouraged except where satisfactory evidence is provided demonstrating that a self-supporting tower is needed to provide the height and/or capacity necessary for the proposed facility and visual impacts would be minimized.
- All utility lines serving the facility shall be under-grounded.
- Each commercial telecommunication facility shall be installed in a manner that will maintain and enhance existing native vegetation. Suitable landscaping to screen the facility shall also be installed where necessary.
- All major commercial telecommunication facilities, other than government owned facilities, shall be prohibited in residential zones.
- All major commercial telecommunication facilities shall be located at least 75 feet from any habitable structure, except for a habitable structure on the property in which the facility is located.

The proposed facility is consistent with and/or meets all of the design guidelines outlined in the Land Use Code.

The proposed facility is designed to address an area of weak or no service in the Verizon Wireless network. There are no other co-location opportunities in this area. The antennas would provide coverage to the northwest, east, and southeast, which encompasses the area between Division Street and East 4<sup>th</sup> Street west to Interstate 5 and east to Interstate 805.

### Summary of Laws Regarding Wireless Telecommunications Facilities

At the time this matter was set for hearing, the City Council asked that the report include reference to what factors may be permissibly considered in making a decision regarding wireless facilities and the law that governs. The factors which may be considered under the Municipal Code are referenced and listed above. The following provides a brief overview of the federal and state law governing wireless facilities.

#### *A. Federal Telecommunications Act*

Generally, the Federal Telecommunications Act of 1996 (the "Act") set forth the requirement that telecommunications services have a duty to develop



competition within markets. Accordingly, cities have been preempted from adopting any barriers to the development of telecommunications facilities.

Cities do retain authority to regulate the placement, construction, and modification of wireless telecommunications facilities, subject to limitations. Importantly, a city can deny a cell tower/wireless facility for “adverse aesthetic impacts” under the Act as long as: 1) the city finds, based on substantial evidence, adverse aesthetic impacts; and, 2) establishes that denial will not constitute a prohibition on the provision of wireless services.

Overall, the Act has numerous limitations and/or requirements applicable to a city’s review of a wireless facility. The limitations and/or requirements are summarized below:

- 1) Decision must be made within a reasonable time;
- 2) Decision to deny a facility must be in writing;
- 3) Decision to deny must be supported by substantial evidence (ie: the decision must be authorized by local regulation and supported by substantial evidence);
- 4) Decision to deny cannot be based on or regulate radio frequency emissions (when the facility complies with the Federal Communications Commission RF emissions regulations);
- 5) Cannot discriminate amongst providers of functionally equivalent services (however, treatment based on zoning standards such as preserving neighborhood character and avoiding aesthetic blight are permissible); and
- 6) Decision cannot have the effect of prohibiting wireless service (cannot prevent a provider from closing a significant coverage gap).

*B. Government Code Sections 65850.6 and 65964 (State Law)*

In regard to wireless facilities, Section 65850.6 is limited to and specifically addresses collocation facilities. Section 65850.6 does allow cities to retain discretionary authority over wireless facilities that will include future collocation facilities, but removes discretionary authority over facilities mounted to already existing facilities. Thus, discretionary permits for wireless telecommunications collocation facilities, once approved, will allow additional facilities to be mounted to those already approved facilities without additional discretionary review. Under Section 65850.6, a wireless telecommunication collocation facility can be subject to a discretionary permit and must also comply with the following:

1. City requirements that specify the types of facilities allowed to include a collocation facility;
2. City requirements that specify the types of facilities allowed to include certain types of collocation facilities;
3. Height, location, bulk, and size of the facility;



4. Percentage of the facility that can be occupied by collocation facilities;
5. Aesthetic and design requirements for facilities;
6. City requirements for a proposed facility;
7. Compliance with state and local requirements, including the general plan, applicable specific plan, and zoning ordinances; and,
8. Compliance with CEQA.

Section 65964 applies more broadly to all wireless telecommunications facilities and sets limitations on the ability to impose conditions of approval. Under Section 65964, a city, as a condition of approval cannot require any of the following:

1. An escrow deposit for removal of a wireless facility or component (performance bond or other surety is allowed);
2. Unreasonable limits on the duration of the permit (limits of less than 10 years are presumed unreasonable absent public safety reasons or substantial land use reasons); and,
3. Limiting facilities to sites owned by particular parties within the city's jurisdiction (e.g., requiring facilities only on city owned property).

#### Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Minor Mixed-Use Corridor zone pursuant to a conditional use permit, and the proposed facility meets the required design guidelines in the Land Use Code, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology; the proposed telecommunications facility provides internet/cellular data as well as standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in Minor Mixed-Use Corridor zone.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.



The proposed antennas and associated equipment are to be incorporated into an existing building and will not increase the footprint of that building, thus not affecting parking or access. The applicant has stated that only one maintenance trip is expected every 4-6 weeks. Periodic maintenance would include running the emergency backup generator for 15 minutes on an approximate monthly basis. The generator is proposed within a CMU block wall; therefore, noise is not much of a factor. However, a Condition of Approval has been added (No. 16) to ensure that all activities comply with Title 12 (Noise) of the Municipal Code. Conditions also include graffiti protection of the block wall (No. 8)

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The structures that would enclose the equipment either exist (or would be replaced) or would be on top of the existing commercial building. Therefore, the proposal will not increase the footprint of that building, thus not affecting parking or access to the property. The proposed facility is unmanned and requires only one to two visits each month for routine maintenance. These vehicle trips would have a negligible effect on the adjacent developed streets.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed facility will not be highly visible to the observer, since the antennas will be screened behind RF-transparent screening, which would be stucco-covered to match the building that it would be part of. (RF=radio frequency). Exhibit C shows the proposed facility in a photo simulation. The antennas and equipment would practically be invisible to adjacent properties. Because the subject facility would be higher than all buildings adjacent in the area, the antennas would have clear reception and transmission in those directions. Nearby land uses in these directions are residential, commercial, and commercial/residential respectively. However, the antennas are positioned in such a way as to be directed above any nearby sensitive uses. Although there are such land uses in the vicinity, it should be mentioned that, per the 1996 Telecommunications Act, "no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval (No. 17) is included requiring these permits.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.



Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Department comments

Comments were received from the Building and Engineering Departments and require compliance with the California Building Code (Building) and stormwater codes (Engineering). Standard Conditions of Approval for wireless facilities are also included, requiring compliance with applicable codes, all necessary state/local/federal permits, and that any external equipment is painted to match the surface on which it is mounted.

Summary

The proposed project is consistent with the Land Use Code in that it meets all applicable design requirements for wireless communication facilities. The project is considered 'stealth' and blends in with nearby development. The antennas and equipment would be completely screened and would thus be practically invisible from adjacent properties. The new facility will help to provide coverage in an area with limited service and provide additional reception for Verizon Wireless customers.

As a recap, the purpose of tonight's hearing is to discuss the merits of the project and to make a decision based on the attached findings for approval or denial, or based on findings to be made by the Council. Staff is recommending approval of the CUP.

The options available to the Council are as follows:

1. Approve 2015-02 CUP subject to the attached conditions, and based on attached findings; or
2. Deny 2015-02 CUP based on other findings as determined by the City Council; or
3. Continue the item in order to obtain additional information.



**RECOMMENDED FINDINGS FOR APPROVAL**  
**2015-02 CUP – 205 Highland Avenue.**

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in the Minor Mixed-Use Corridor zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology; and since wireless communications facilities are a conditionally-allowed use in the Minor Mixed-Use Corridor zone.
3. That the site for the proposed use is adequate in size and shape, since the proposed antennas and associated equipment are to be incorporated into an existing building and will not increase the footprint of that building, thus not affecting parking or access.
4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 12 antennas will be screened within an existing building, and as such will not be visible from adjacent properties.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The proposal is a new facility that includes the installation of new equipment and facilities in a small structure, including the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.



## **RECOMMENDED CONDITIONS OF APPROVAL**

### **2015-02 CUP – 205 Highland Avenue**

#### **General**

1. This *Conditional Use Permit* authorizes a wireless communications facility at 205 Highland Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits B and C, Case File No. 2015-02 CUP, dated 7/20/2015. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### **Building**

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.
6. Call 800-227-2600 (Underground Service Alert) for mark out prior to any digging activities.
7. Television cable companies shall be notified a minimum of 48 hours prior to filling of cable trenches.
8. Exterior walls of accessible poles/walls to a height of not less than six feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.



## Fire

9. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
10. Emergency Generator Shutdown procedures shall be posted in a conspicuous area on the exterior of the emergency generator enclosure. The sign shall be clearly visible from the public right-of-way. If the power source is inside a building and cannot be seen from the public right-of-way, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
11. A 704 emergency placard shall be posted at the site. The Sign shall be clearly visible from the public right-of-way.
12. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

## Engineering

13. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.
14. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water run-off associated with construction greater than one acre of activity where clearing, grading, and excavation results in a land disturbance. A construction stormwater permit shall be obtained from the Regional Water Control Board. A copy of the permit shall be given to the City of National City Engineering Department prior to issuing of a construction permit.
15. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically, sixteen (16) linear feet of gutter along the driveway on East 2<sup>nd</sup> Street and approximately two hundred eighty (280) square feet of sidewalk along East 2<sup>nd</sup> Street as marked out in the field.

## Planning

16. All operations, including ongoing and temporary/maintenance activities shall conform to the standards for noise emission as stated in Title 12 (Noise) of the National City Municipal Code.
17. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
18. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
19. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant



and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.

20. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.



205 HIGHLAND AVE. - VERIZON WIRELESS



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey or zoning verification.*

**1 inch = 65 feet**  
**9/23/2015**





SITE NAME: HIGHLAND & 4TH  
205 HIGHLAND AVENUE  
NATIONAL CITY, CA 91950  
SAN DIEGO COUNTY

EXHIBIT: B  
CASE FILE NO.: 2015-02 cwp  
DATE: 7/20/15

verizonwireless

15505 SAND CANYON AVE  
IRVINE, CA 92618

PLANS PREPARED BY:

**NATIONAL**  
ENGINEERING & CONSULTING, INC.  
27 ORCHARD, LAKE FOREST, CA 92630  
PHONE: (949) 716-9990 | FAX: (949) 716-9997

CLIENTS

NO.	DATE	DESCRIPTION	BY
1	11/07/14	90% ZD's	JY
2	11/19/14	100% ZD's	JY
3	12/18/14	CLIENT REVISION	JY
4	01/29/15	CLIENT REVISION	JY
5	02/13/15	CLIENT REVISION	AE
6	03/12/15	CLIENT REVISION	JGD
7	06/18/15	CLIENT REVISION	SB
8	07/01/15	CLIENT REVISION	JY/NT

SITE INFORMATION:

**HIGHLAND  
& 4TH**

205 HIGHLAND AVE  
NATIONAL CITY, CA 91950

SEAL:

SHEET TITLE:

**TITLE SHEET**

SHEET NUMBER:

**T-1**

VICINITY MAP

(NOT TO SCALE)



PLOT MAP

(NOT TO SCALE)



DRIVING DIRECTIONS

STARTING FROM VERIZON WIRELESS IRVINE OFFICE:  
FROM: 15505 SAND CANYON AVENUE, IRVINE, CA 92618  
HEAD SOUTHWEST ON SAND CANYON AVENUE TOWARD BARRANCA PKWY.  
MERGE ONTO I-405 S VIA THE RAMP TO SAN DIEGO.  
MERGE ONTO I-405 S.  
MERGE ONTO I-5 S.  
KEEP LEFT TO CONTINUE ON I-805 S17.  
TAKE THE PALM AVENUE EXIT.  
TURN RIGHT ONTO S 47TH ST/N PALM AVENUE.  
TAKE THE 2ND RIGHT ONTO DIVISION ST.  
TURN LEFT ONTO HIGHLAND AVENUE. DESTINATION WILL BE ON THE LEFT.  
ARRIVE AT 205 HIGHLAND AVENUE, NATIONAL CITY, CA 91950

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
- 2013 CALIFORNIA BUILDING CODE
- CITY /COUNTY ORDINANCES
- BUILDING OFFICIAL & CODE ADMINISTRATORS (BOCA)
- 2013 MECHANICAL CALIFORNIA CODE
- ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
- 2013 CALIFORNIA PLUMBING CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 LOCAL BUILDING CODE

PROJECT TEAM

ARCHITECT & ENGINEER

COMPANY: NATIONAL ENGINEERING & CONSULTING, INC.  
ADDRESS: 27 ORCHARD  
CITY, STATE, ZIP: LAKE FOREST, CA 92630  
PHONE: (949) 716-9990  
FAX: (949) 716-9997

SITE ACQUISITION

COMPANY: M&M TELECOM INC.  
ADDRESS: 6886 MIMOSA DR.  
CITY, STATE, ZIP: CARLSBAD, CA 92011  
CONTACT: ANNA MAYDANIK  
PHONE: DIRECT (858) 255-1416  
EMAIL: anna.maydani@mmtelcominc.com

SURVEYOR

COMPANY: NATIONAL ENGINEERING & CONSULTING, INC.  
ADDRESS: 27 ORCHARD  
CITY, STATE, ZIP: LAKE FOREST, CA 92630  
PHONE: (949) 716-9990  
FAX: (949) 716-9997

LAND USE PLANNER

COMPANY: M&M TELECOM INC.  
ADDRESS: 6886 MIMOSA DR.  
CITY, STATE, ZIP: CARLSBAD, CA 92011  
CONTACT: LISA GOODMAN  
PHONE: (858) 246-2461  
FAX: (760) 454-4505  
EMAIL: lisa.goodman@mmtelcominc.com

VERIZON RF ENGINEER

COMPANY: VERIZON WIRELESS  
ADDRESS: 15505 SAND CANYON AVENUE. BLDG. 1ST FL.  
CITY, STATE, ZIP: IRVINE, CA, 92618  
CONTACT: MIKE ZELLER  
PHONE:  
EMAIL: michael.zeller@verizonwireless.com

CONSTRUCTION MANAGER

CONTACT: STEVE JOHNSON  
PHONE: (951) 541-8805  
EMAIL: SteveJohnson@cbmsconsulting.com

PROJECT DESCRIPTION

CONSTRUCTION OF AN UNMANNED WIRELESS CELL SITE FOR VERIZON WIRELESS. THE SCOPE WILL CONSIST OF THE FOLLOWING:

- INSTALL (2) ANTENNA STEALTH/SCREENING ON ROOFTOP
- INSTALL (12) 6'-0" PANEL ANTENNAS
- INSTALL (1) 4'-0" DIA. MICROWAVE ANTENNA
- REMOVE EXISTING STRUCTURE AND REBUILD NEW STRUCTURE FOR PROPOSED VERIZON WIRELESS EQUIPMENT ROOM
- INSTALL (12) RRU's
- INSTALL (5) RAYCAP SURGE SUPPRESSORS
- INSTALL (1) EMERGENCY KOHLER 30KW GENERATOR
- INSTALL (1) ROOF ACCESS HATCH WITH STEEL LADDER
- INSTALL (1) ACCESS DOOR TO BETA SECTOR

PROJECT INFORMATION

APPLICANT

COMPANY: VERIZON WIRELESS  
ADDRESS: 15505 SAND CANYON AVE.  
BLDG. 'D' 1ST FL.  
IRVINE, CA, 92618  
CONTACT: 24 HR EMERGENCY  
PHONE: (949) 286-7000

PROPERTY OWNER

OWNER: STEVE AND CATHY SALMONS  
OWNER CONTACT: STEVE SALMONS  
ADDRESS: 1761 HOTEL CIRCLE S. #222  
CITY, STATE, ZIP: SAN DIEGO, CA 92108  
PHONE: (619)-291-7802  
EMAIL: steves@cpsd.com

PROPERTY INFORMATION

A.P.N.: 556-180-01  
JURISDICTION: NATIONAL CITY  
CURRENT ZONING: MXC-1 (MINOR MIXED COMMERCIAL)  
OCCUPANCY TYPE: B/U  
TYPE OF CO: C-4  
ADA REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, DISABLED ACCESS ACCESS NOT REQUIRED, 2010 CBC SECTION 1103B EXCEPTION 1

LEASE AREA

EQUIPMENT & GENERATOR: 511.0 SQ. FT.  
ROOF ANTENNA LEASE: 409.5 SQ. FT.

TOTAL LEASE AREA: 920.5 SQ. FT.

SHEET INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET
LS-1	TOPOGRAPHIC SURVEY
LS-2	TOPOGRAPHIC SURVEY
A-1	SITE / ROOF PLAN
A-2	PROPOSED EQUIPMENT ROOM, GENERATOR AREA AND ANTENNA LAYOUT PLANS
A-3	ARCHITECTURAL ELEVATIONS
A-4	ARCHITECTURAL ELEVATIONS

COAX/ANTENNA SCHEDULE

ANTENNA SECTOR	AZIMUTH	ANTENNA MAKE/MODEL	QTY.	COAX LENGTH	COAX SIZE
ALPHA	80°	KATHREIN 80010735V01/ COMMSCOPE SBNHH-1D65B	1/3	30'±	7/8"
BETA	180°	KATHREIN 80010735V01/ COMMSCOPE SBNHH-1D65B		30'±	7/8"
GAMMA	300°	KATHREIN 80010735V01/ COMMSCOPE SBNHH-1D65B		30'±	7/8"
PARABOLIC	90°	TBD	1	30'±	
GPS	N/A	TBD	1	25'±	1/2"

NOTE: CONSTRUCTION MANAGER TO FIELD VERIFY CABLE LENGTHS PRIOR TO OPENING, FABRICATION, OR INSTALLATION OF CABLES CHECK RF DATE SHEET.

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

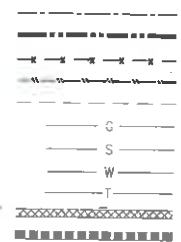
DISCIPLINE:	SIGNATURE:	DATE:
LANDLORD:		
PROJECT MANAGER:		
CONSTRUCTION MANAGER:		
RF ENGINEER:		
SITE ACQUISITION:		
ZONING MANAGER:		
UTILITY COORDINATOR:		
NETWORK OPERATIONS:		





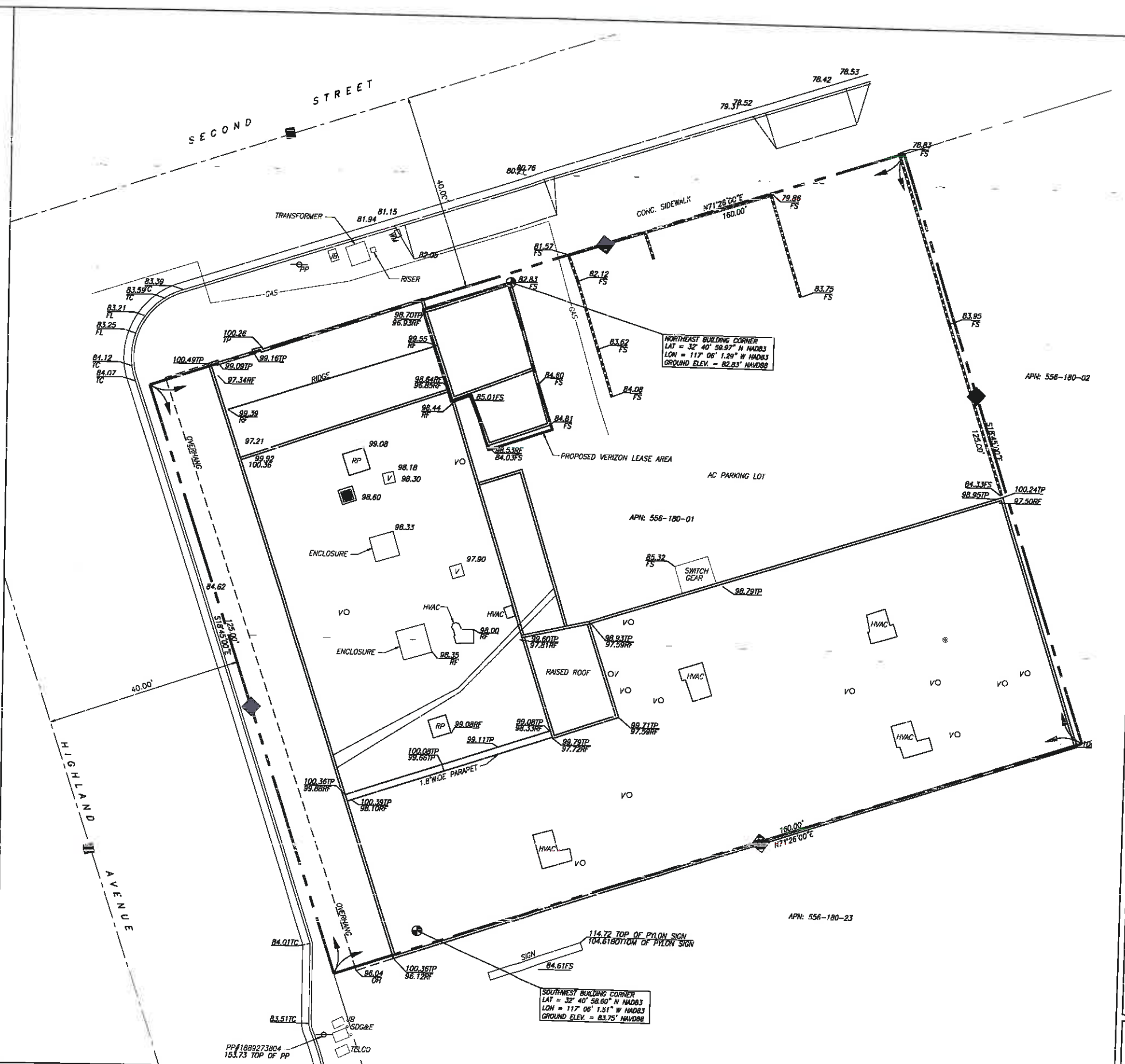


# LEGEND

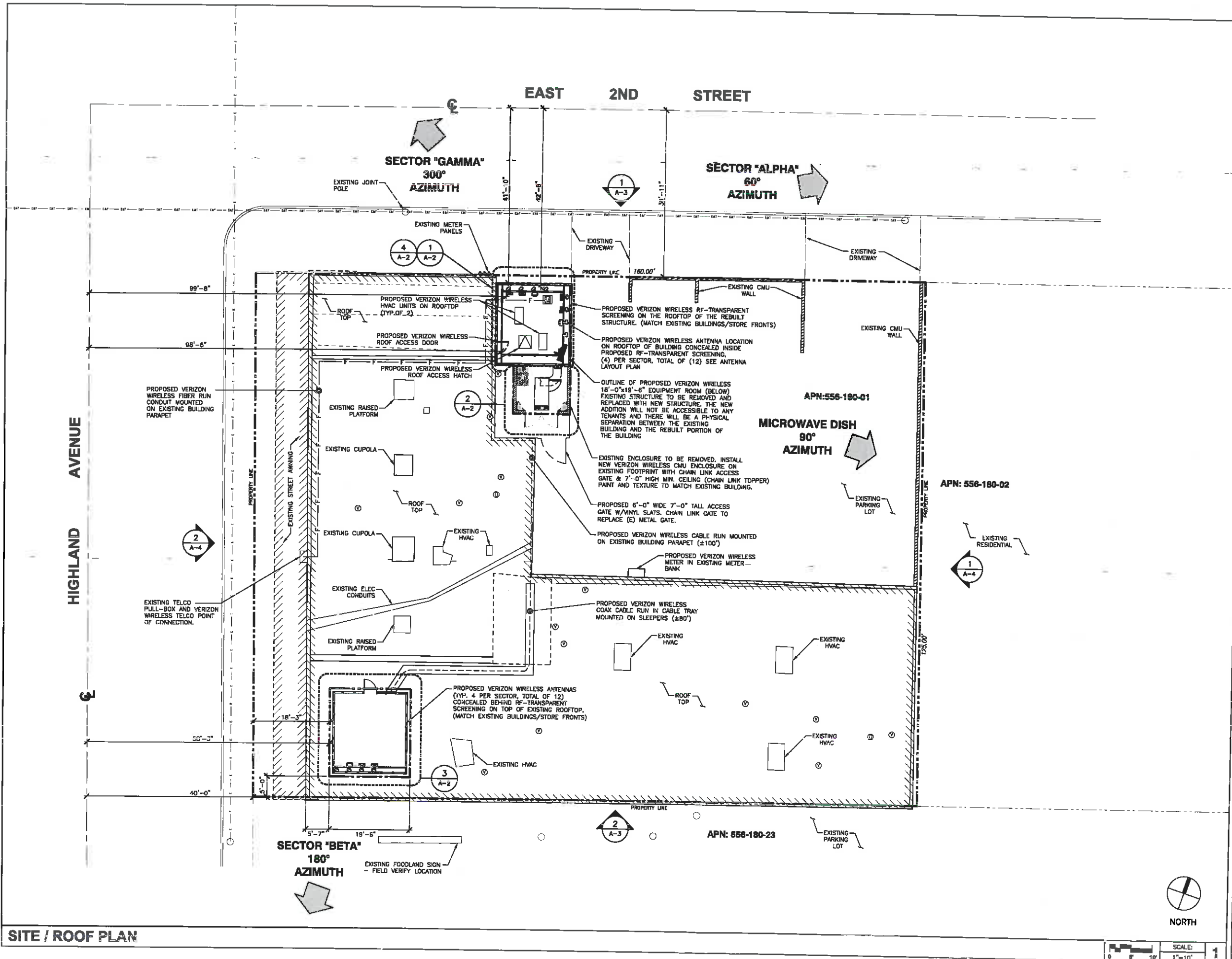


CENTER LINE  
PROPERTY LINE  
CHAIN-LINK FENCE  
WOOD FENCE  
EASEMENT LINE  
GAS LINE  
SEWER LINE  
WATER LINE  
TELEPHONE CABLE  
WOOD WALL  
CMU WALL  
EDGE OF PWT  
EXISTING GROUND  
FOUND  
GUY WIRE ANCHOR  
EDGE OF PAVEMENT  
FLOW LINE  
FINISH SURFACE  
HEIGHT  
NATURAL GRADE  
ROOF GRADE  
RAISED PLATFORM  
MAIL BOX  
PROPERTY LINE  
POWER POLE  
PULL BOX  
SANITARY SEWAGE CLEANOUT  
STREET SIGN/STOP SIGN  
STORM DRAIN CATCH BASIN  
STORM DRAIN MAN HOLE  
TOP OF CURB  
TOP OF WALL  
TOP OF ANTENNA  
UNDERGROUND ACCESS  
BACK FLOW PREVENTER  
WATER METER  
WATER VALVE  
EXISTING LIGHT  
EXISTING ELECTRICAL MANHOLE  
EXISTING POLE  
EXISTING STREET LIGHT  
EXISTING SATELLITE DISH  
EXISTING CONDENSER  
ROOF DRAIN  
EXISTING TELE. MANHOLE  
EXISTING WATER METER  
EXISTING BACKFLOW PREVENTER  
EXISTING SIGN  
EXISTING TRAFFIC SIGNAL  
EXISTING ANTENNA  
EXISTING MICROWAVE DISH  
EXISTING SEWER MANHOLE  
POWER POLE  
GUY WIRE ANCHOR  
CATCH BASIN  
FIRE HYDRANT  
VALVE (UTILITY)  
TREE  
PINE TREE  
BUSH  
PALM TREE  
EXISTING CONCRETE WALK/PATH  
EXISTING GRASS/TURF  
MONUMENT FD.  
(AS NOTED)

## MONUMENTS







PLANS PREPARED BY:  
**NATIONAL**  
ENGINEERING & CONSULTING, INC.  
27 ORCHARD, LAKE FOREST, CA 92650  
PHONE: (949) 716-9990 | FAX: (949) 716-9997

CLIENTS			
NO.	DATE	DESCRIPTION	BY
1	11/07/14	90% ZD's	JY
2	11/19/14	100% ZD's	JY
3	12/18/14	CLIENT REVISION	JY
4	01/29/15	CLIENT REVISION	JY
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6	03/12/15	CLIENT REVISION	JGD
7	06/18/15	CLIENT REVISION	SB
8	07/01/15	CLIENT REVISION	JY/NT

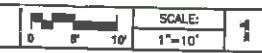
SITE INFORMATION:  
**HIGHLAND & 4TH**  
205 HIGHLAND AVE  
NATIONAL CITY, CA 91950

SEAL:

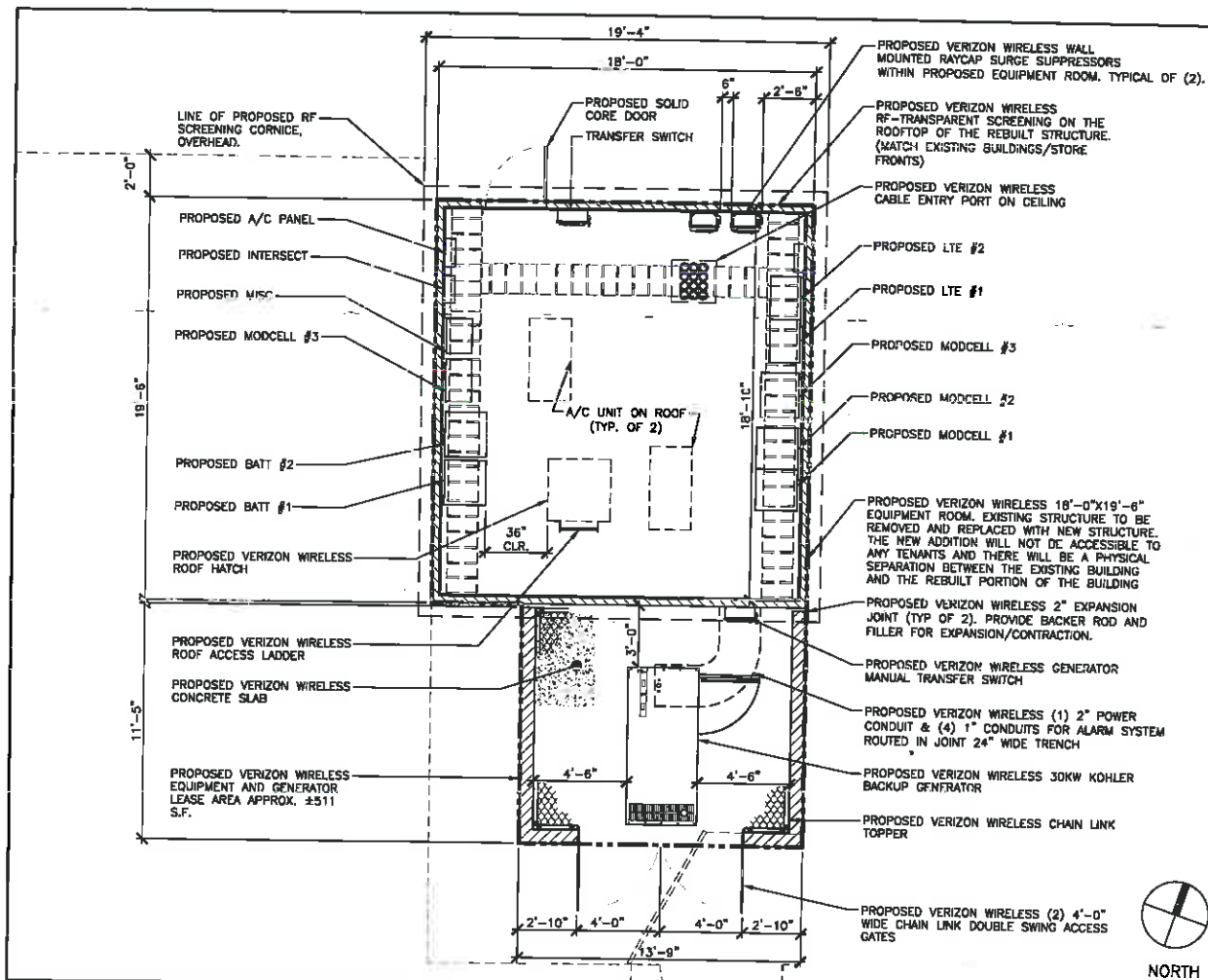
SHEET TITLE:  
**SITE / ROOF PLAN**

SHEET NUMBER:  
**A-1**

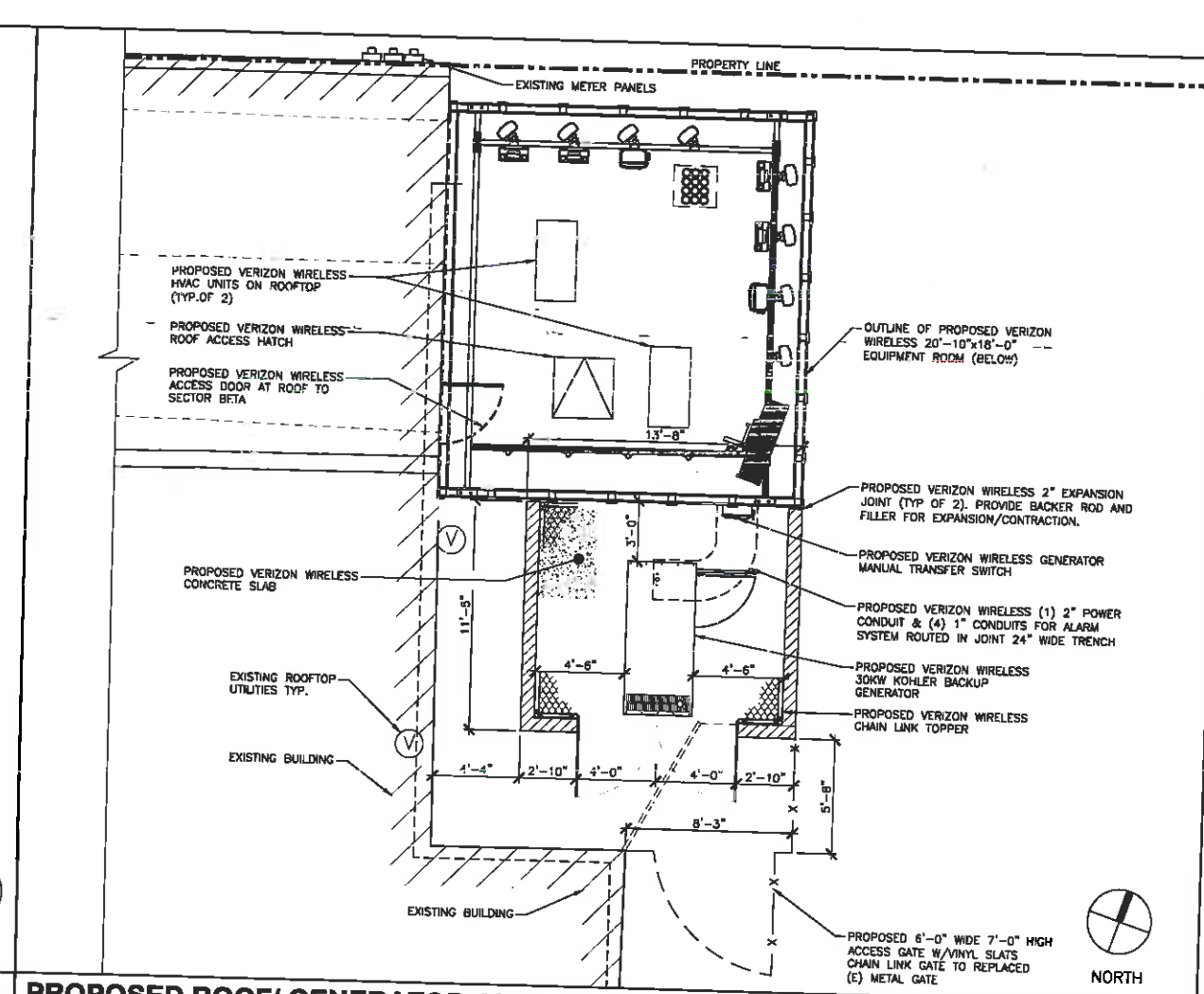
SITE / ROOF PLAN



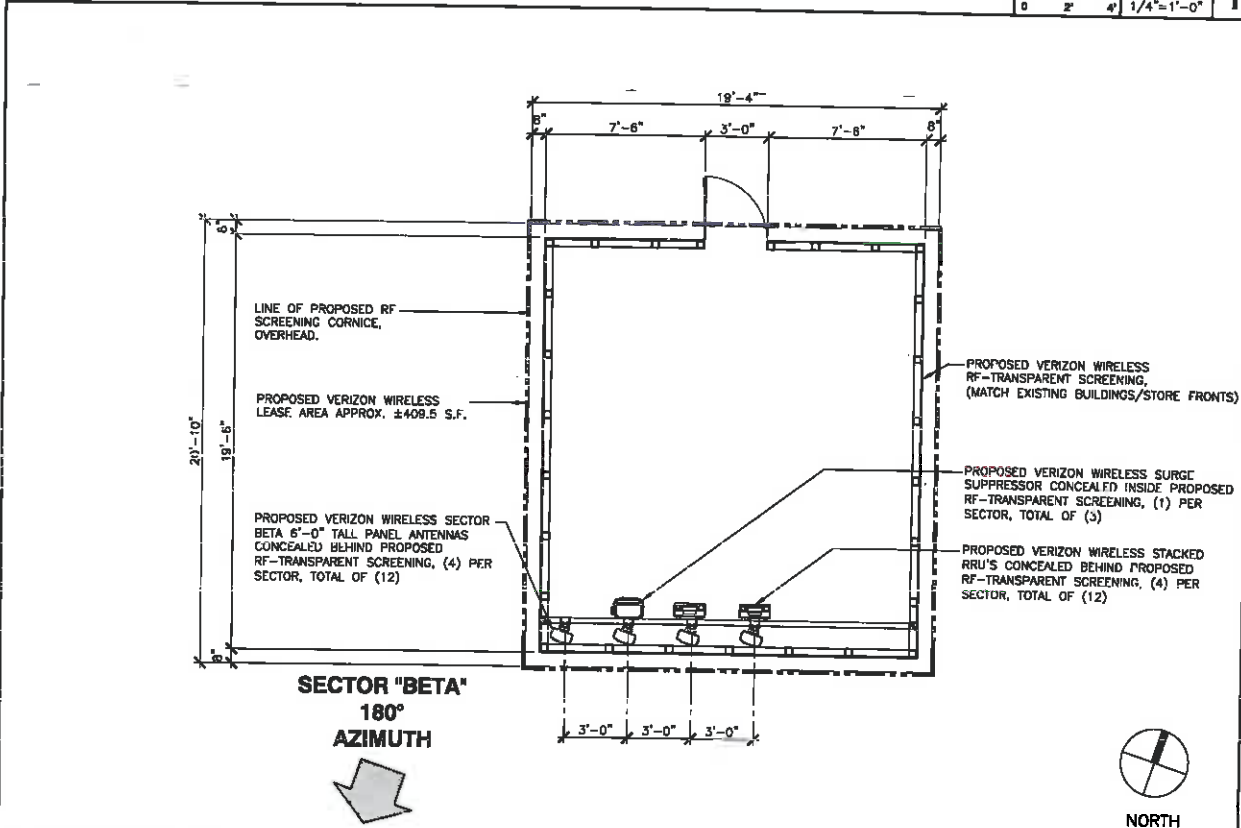




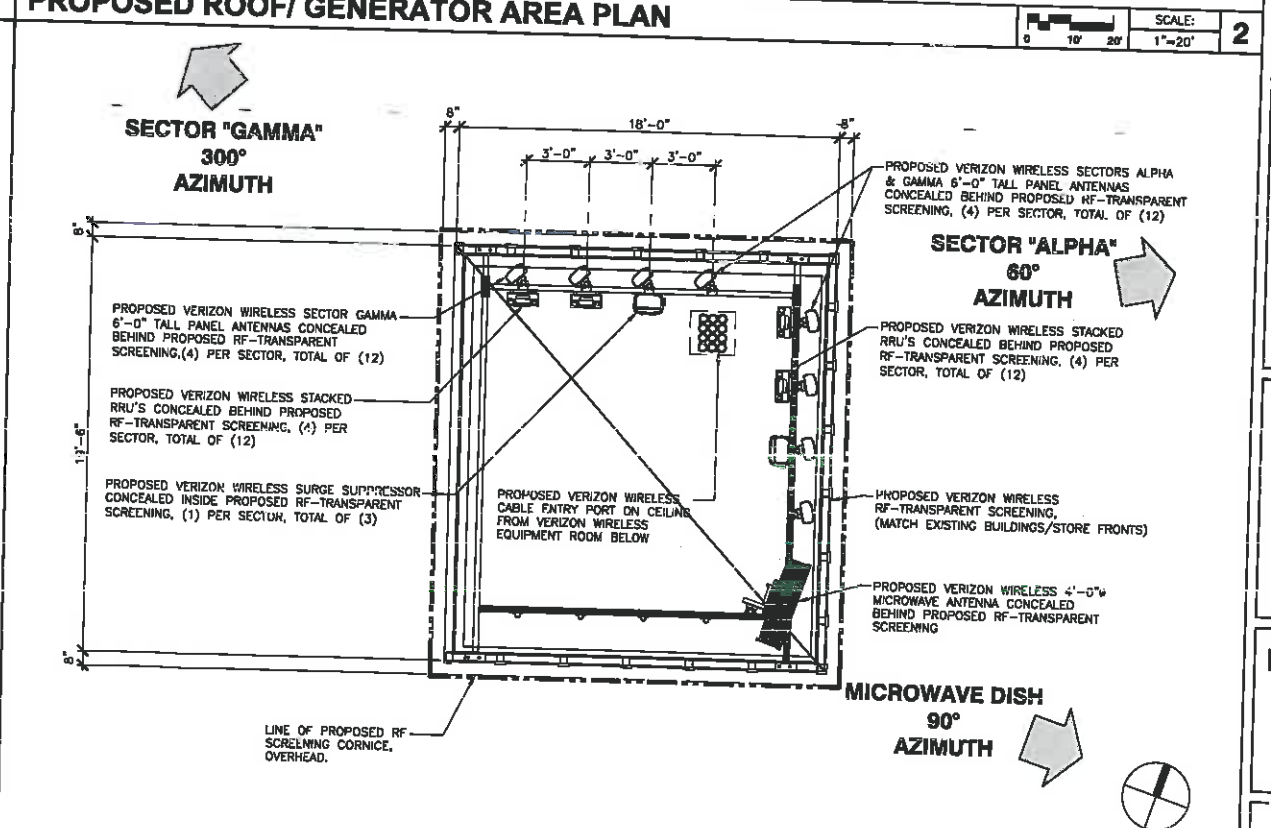
PROPOSED EQUIPMENT ROOM LAYOUT PLAN



PROPOSED ROOF/ GENERATOR AREA PLAN



PROPOSED ANTENNA LAYOUT PLAN (SECTOR BETA)



PROPOSED ANTENNA LAYOUT PLAN (SECTORS ALPHA & GAMMA)



18000 SAND CANYON AVE  
IRVINE, CA 92618

PLANS PREPARED BY:

**NATIONAL**  
ENGINEERING & CONSULTING, INC.  
27 THURGOOD, LANE FOREST, CA 92630  
PHONE: (949) 716-8960 | FAX: (949) 716-9887

CLIENTS

NO.	DATE	DESCRIPTION	BY
1	11/07/14	90% ZD's	JY
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3	12/18/14	CLIENT REVISION	JY
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6	03/12/15	CLIENT REVISION	JGD
7	06/18/15	CLIENT REVISION	SB
8	07/01/15	CLIENT REVISION	JY/NT

SITE INFORMATION:

**HIGHLAND & 4TH**

205 HIGHLAND AVE  
NATIONAL CITY, CA 91960

SEAL:

SHEET TITLE:

**PROPOSED EQUIPMENT ROOM, GENERATOR AREA AND ANTENNA LAYOUT PLANS**

SHEET NUMBER:

**A-2**



verizon wireless

18006 SAND CANYON AVE.  
IRVINE, CA 92610

PLANS PREPARED BY:

**NATIONAL**  
ENGINEERING & CONSULTING, INC.  
27 ORCHARD, LAKE FOREST, CA 92550  
PHONE: (949) 718-9900 FAX: (949) 718-9907

CLIENT'S

NO.	DATE	DESCRIPTION	BY
1	11/07/14	90% ZD's	JY
2	11/19/14	100% ZD's	JY
3	12/18/14	CLIENT REVISION	JY
4	01/29/15	CLIENT REVISION	JY
5	02/13/15	CLIENT REVISION	AE
6	03/12/15	CLIENT REVISION	JGD
7	06/18/15	CLIENT REVISION	SB
8	07/01/15	CLIENT REVISION	JY/NT

SITE INFORMATION:

**HIGHLAND  
& 4TH**

205 HIGHLAND AVE  
NATIONAL CITY, CA 91860

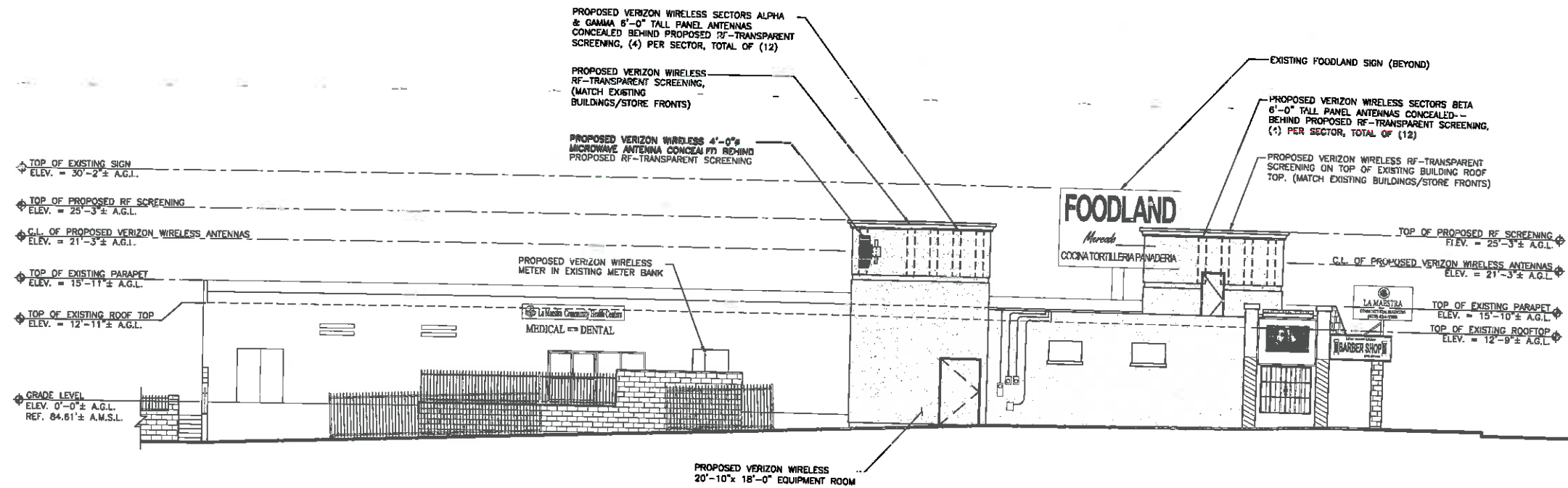
SEAL:

SHEET TITLE:

**ARCHITECTURAL  
ELEVATIONS**

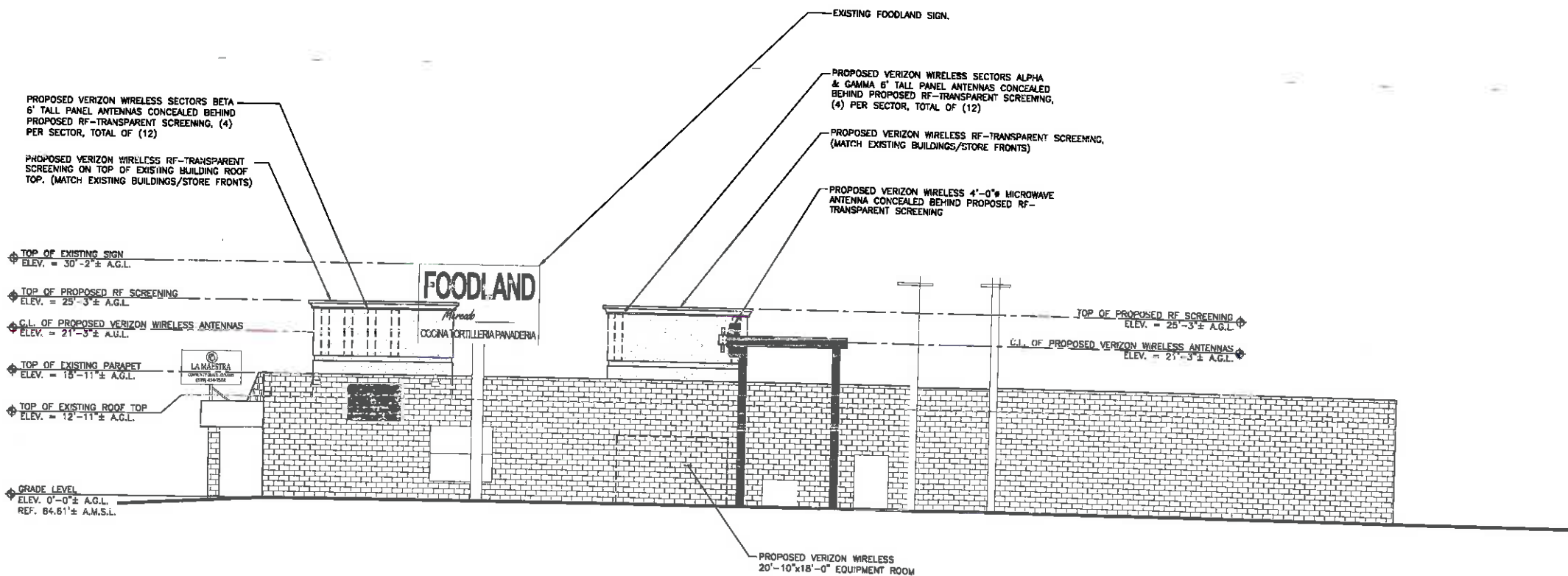
SHEET NUMBER:

**A-3**



**NORTHWEST ELEVATION**

SCALE: 1/8" = 1'-0" 1



**SOUTHEAST ELEVATION**

SCALE: 1/8" = 1'-0" 2



**verizon**wireless

15508 SAND CANYON AVE.  
IRVINE, CA 92618

PLANS PREPARED BY:

**NATIONAL**  
ENGINEERING & CONSULTING, INC.  
27 RICHARD, LAKE FOREST, CA 92650  
PHONE: (949) 718-8881 | FAX: (949) 718-8887

CLIENTS

NO.	DATE	DESCRIPTION	BY
1	11/07/14	90% ZD's	JY
2	11/19/14	100% ZD's	JY
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7	06/18/15	CLIENT REVISION	SB
8	07/01/15	CLIENT REVISION	JY/NT

SITE INFORMATION:

**HIGHLAND  
& 4TH**

205 HIGHLAND AVE  
NATIONAL CITY, CA 91950

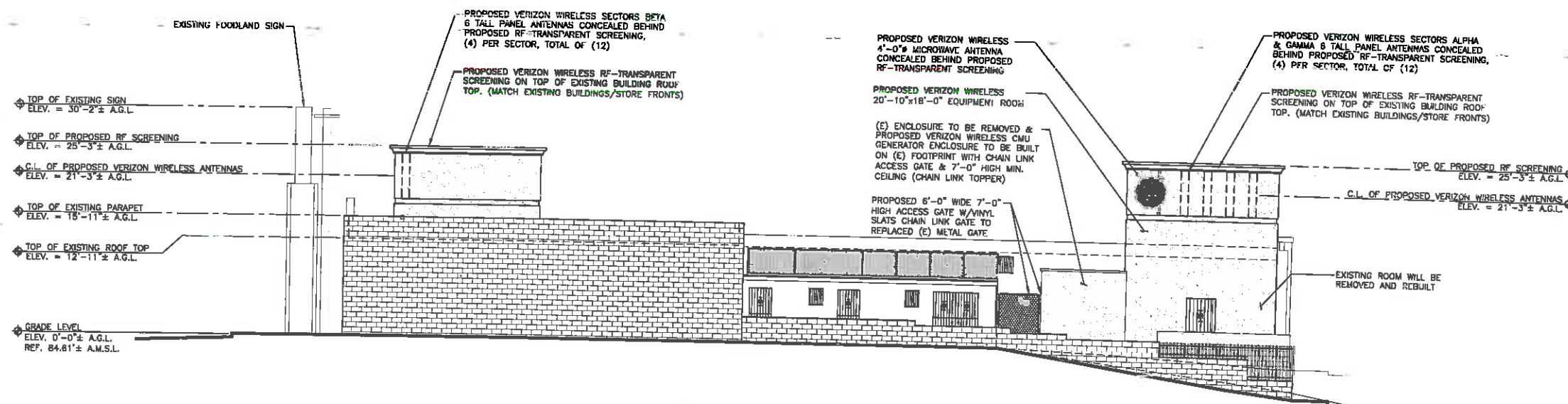
SEAL

SHEET TITLE:

**ARCHITECTURAL  
ELEVATIONS**

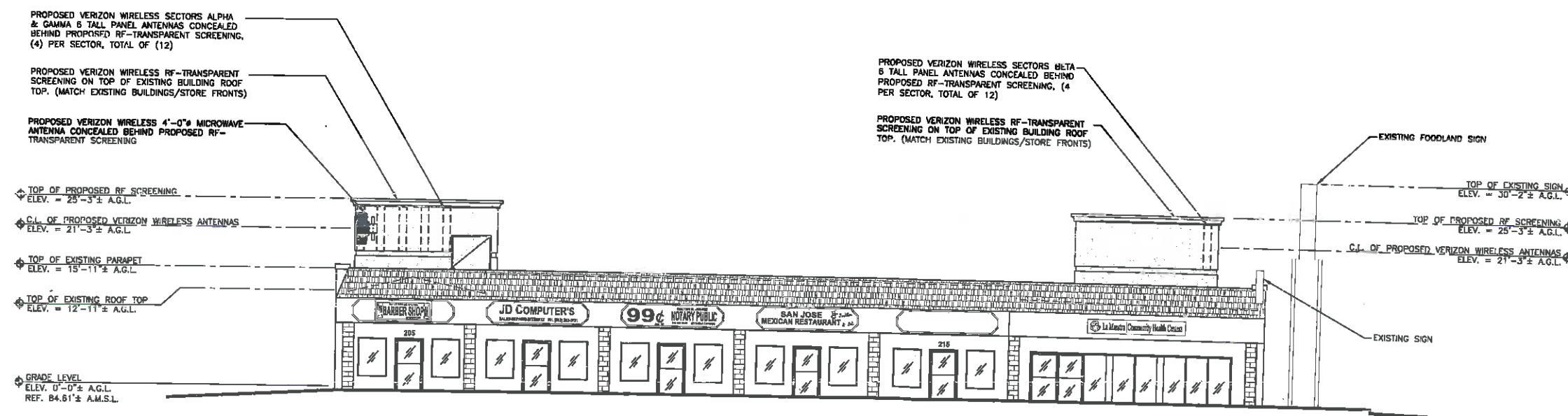
SHEET NUMBER:

**A-4**



**NORTHEAST ELEVATION**

SCALE: 1/8"=1'-0" 1



**SOUTHWEST ELEVATION**

SCALE: 1/8"=1'-0" 2



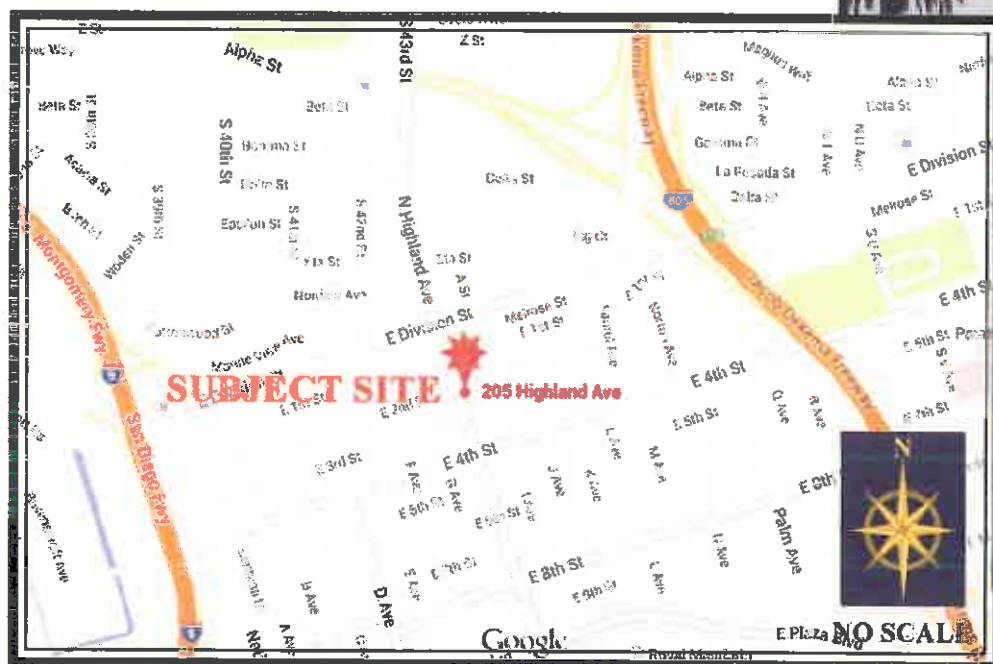


EXHIBIT: C  
CASE FILE NO.: 2015-02 *ccp*  
DATE: 7/20/15

**HIGHLAND & 4TH**  
205 HIGHLAND AVENUE  
NATIONAL CITY, CA 91950



**SITE PRIOR TO INSTALLATION**



**VICINITY MAP**

**LOOKING EAST TOWARD SUBJECT SITE**



**SITE AFTER INSTALLATION**







# HIGHLAND & 4TH

205 HIGHLAND AVENUE  
NATIONAL CITY, CA 91950



**SITE PRIOR TO INSTALLATION**



**VICINITY MAP**

**LOOKING SOUTHWEST TOWARD SUBJECT SITE**



**SITE AFTER INSTALLATION**





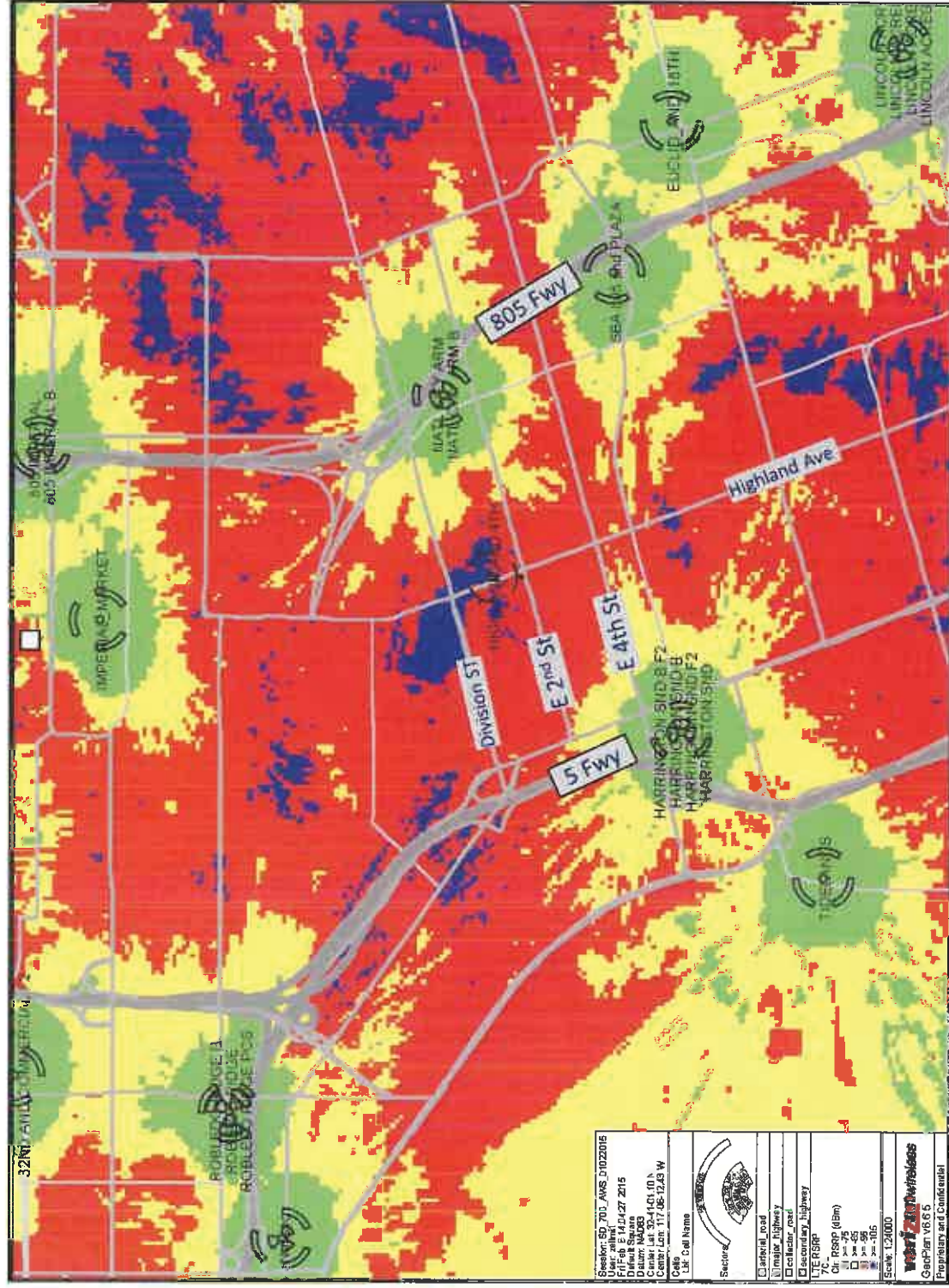
**Highland & 4th**  
APN 556-180-01  
205 Highland Ave

**Highland & 4th**  
APN 556-180-01  
205 Highland Ave

**Highland & 4th**  
APN 556-180-01  
205 Highland Ave



## EXISTING COVERAGE WITHOUT HIGHLAND & 4<sup>th</sup> SITE

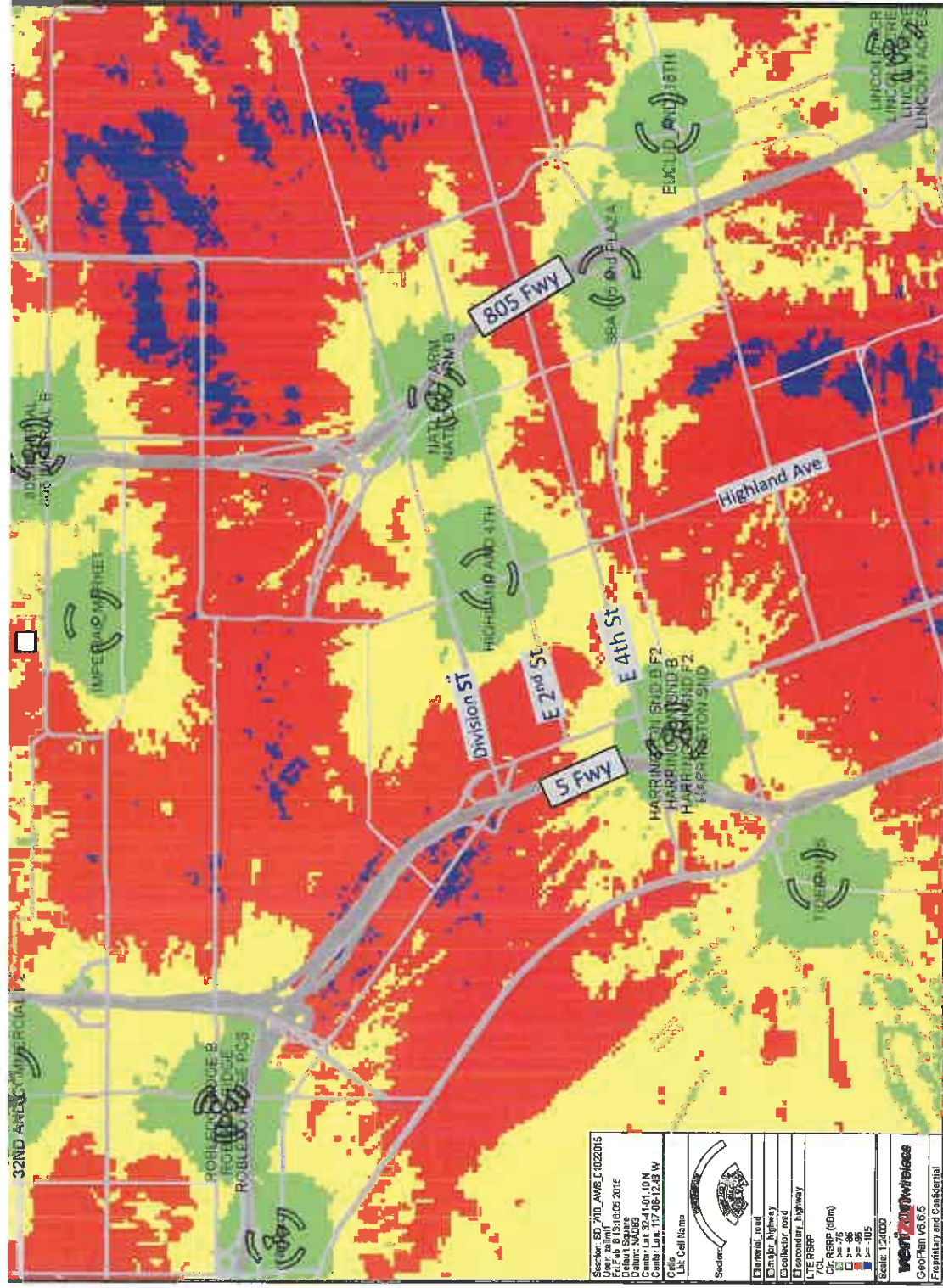




**Highland & 4th**  
APN 556-180-01  
205 Highland Ave



## OVERALL NETWORK COVERAGE WITH HIGHLAND & 4<sup>th</sup> SITE







**CITY OF NATIONAL CITY**

**Office of the City Clerk**

1243 National City Blvd., National City, California 91950

619-336-4228 phone / 619-336-4229 fax

Michael R. Dalla, CMC - City Clerk

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., **Tuesday, November 3, 2015**, in the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider:

### **CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY TO BE LOCATED AT 205 HIGHLAND AVENUE.**

The Planning Commission conducted a public hearing at their meeting of October 5, 2015 and voted 6-0 with one member absent to recommend approval of the Conditional Use Permit.

Anyone interested in this matter may appear at the above time and place and be heard.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the undersigned, or to the City Council of the City of National City at, or prior to, the Public Hearing.

October 21, 2015

---

Michael R. Dalla, CMC  
City Clerk





CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A  
WIRELESS COMMUNICATIONS FACILITY LOCATED AT  
205 HIGHLAND AVENUE.

Case File No.: 2015-02 CUP

Location: Southeast corner of Highland Avenue and East 2<sup>nd</sup> Street

Assessor's Parcel No.: 556-180-01

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Verizon Wireless

Property owner: Stephen F. and Katherine J. Salmons

Zoning designation: Minor Mixed-Use Corridor (MXC-1)

Adjacent land use/zoning:

North: Strip commercial across East 2<sup>nd</sup> Street / MXC-1

East: Single-family residential / RS-2

South: Foodland Mercado / MXC-1

West: Car wash across Highland Avenue / MXC-1

Environmental review: Categorically Exempt pursuant to Class 3 Section 15303  
(New Construction or Conversion of small structures)

Staff recommendation: Approve



## **BACKGROUND**

### **Site Characteristics**

The project site is located in the southeast corner of Highland Avenue and East 2<sup>nd</sup> Street in the Minor Mixed-Use Corridor (MXC-1) zone. The 23,000 ± square-foot property is developed with a 12,000 ± square-foot commercial center that fronts on the east side of Highland Avenue. There is a parking lot located behind the “L”-shaped building, which is accessible from East 2<sup>nd</sup> Street. There are also some storage buildings in the parking lot, which are attached to the rear part of the building.

### **Proposed Use**

The applicant is proposing to install twelve panel antennas and a four-foot diameter microwave dish, along with the associated operating equipment and a backup generator. Eight antennas and the associated equipment will be within a structure behind the center on the north side of the property. The structure will replace an existing storage building, but will be extended to a height of 25 feet. The other four antennas will be within a new roof element at the southwest corner of the building, which matches the extended storage building. Both elements would be stucco-covered. A CMU generator enclosure is proposed that would replace a storage building directly south of the section containing the eight antennas. The generator would be for backup purposes only and would be exercised for 15 minutes once a month for testing purposes.

### **Analysis**

The proposed use is consistent with General Plan policy, since Policy E-3.3 (Education and Public Participation) of the General Plan aims to increase access to wireless internet connections, computers, and other forms of communication technology. The proposal is also consistent with the Land Use Code, since wireless communications facilities are a conditionally-allowed use in the Minor Mixed-Use Corridor zone.

Consistent with City policy, the proposed facility will not be highly visible to the observer, since the antennas will be screened behind RF-transparent screening, which would be stucco-covered to match the building that it would be part of. (RF=radio frequency). Exhibit C shows the proposed facility in a photo simulation. The antennas and equipment would practically be invisible to adjacent properties.

The structures that would enclose the equipment either exist (and would be replaced) or would be on top of the existing commercial building. Therefore, the proposal will not increase the footprint of that building, thus not affecting parking or access to the property. The applicant has stated that only one maintenance trip is expected every 4-6 weeks. Periodic maintenance would include running the emergency backup generator for 15 minutes on an approximate monthly basis. The generator is proposed within a CMU block enclosure; therefore, noise is not as much of a factor. However, a Condition of Approval



has been added to ensure that all activities comply with Title 12 (Noise) of the Municipal Code. Conditions also include graffiti protection of the block wall.

The site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use. Highland Avenue in this location is an arterial street with a capacity of 30,000 ADT (Average Daily Trips) in this location. The segment currently generates 14,100 ADT and operates at a Level of Service (LOS) of C; the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on area traffic patterns.

The proposed facility is designed to address an area of weak or no service in the Verizon Wireless network. There are no other co-location opportunities in this area. The antennas would provide coverage to the northwest, east, and southeast, which encompasses the area between Division Street and East 4<sup>th</sup> Street west to Interstate 5 and east to Interstate 805.

The eight-foot tall antennas would be located at an elevation of 20-25 feet above the ground, which is higher than all buildings adjacent in the area. The antennas would have clear reception and transmission in the proposed directions (NE, E, SE). Nearby land uses in these directions are commercial, residential, and commercial respectively. However, the antennas are positioned in such a way as to be directed above any nearby sensitive uses. Although there are such land uses in the vicinity, it should be mentioned that, per the 1996 Telecommunications Act, "no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval (No. 17) is included requiring these permits.

#### California Environmental Quality Act (CEQA)

The proposed project has been reviewed in compliance with the California Environmental Quality Act. Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This section also includes accessory (appurtenant) structures. The proposal would be consistent with this description.

Comments were received from the Building and Engineering Departments and require compliance with the California Building Code (Building) and stormwater codes



(Engineering). Standard Conditions of Approval for wireless facilities are also included, requiring compliance with applicable codes, all necessary state/local/federal permits, and that any external equipment is painted to match the surface on which it is mounted.

### **Summary**

The proposed project is consistent with the Land Use Code in that it meets all applicable design requirements for wireless communication facilities. The project is considered 'stealth' and blends in with nearby development. The antennas and equipment would be completely screened and would thus be practically invisible from adjacent properties. The new facility will help to provide coverage in an area with limited service and provide additional reception for Verizon Wireless customers.

### **OPTIONS**

1. Approve 2015-02 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-02 CUP based on findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

### **ATTACHMENTS**

1. Recommended Findings for Approval
2. Recommended Conditions
3. Location Map
4. Nearby Wireless Facilities Map
5. Coverage Maps
6. Public Hearing Notice (Sent to 123 property owners)
7. Notice of Exemption
8. Applicant's Plans (Exhibits B and C, Case File No. 2015-02 CUP, dated 7/20/2015)



MARTIN REEDER, AICP  
Principal Planner



BRAD RAULSTON  
Executive Director



## **RECOMMENDED FINDINGS FOR APPROVAL**

### **2015-02 CUP – 205 Highland Avenue.**

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in the Minor Mixed-Use Corridor zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology; and since wireless communications facilities are a conditionally-allowed use in the Minor Mixed-Use Corridor zone.
3. That the site for the proposed use is adequate in size and shape, since the proposed antennas and associated equipment are to be incorporated into an existing building and will not increase the footprint of that building, thus not affecting parking or access.
4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 12 antennas will be screened within an existing building, and as such will not be visible from adjacent properties.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The proposal is a new facility that includes the installation of new equipment and facilities in a small structure, including the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.



## **RECOMMENDED CONDITIONS OF APPROVAL**

### **2015-02 CUP – 205 Highland Avenue.**

#### **General**

1. This *Conditional Use Permit* authorizes a wireless communications facility at 205 Highland Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits B and C, Case File No. 2015-02 CUP, dated 7/20/2015. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### **Building**

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.
6. Call 800-227-2600 (Underground Service Alert) for mark out prior to any digging activities.
7. Television cable companies shall be notified a minimum of 48 hours prior to filling of cable trenches.
8. Exterior walls of accessible poles/walls to a height of not less than six feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.



## Fire

9. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
10. Emergency Generator Shutdown procedures shall be posted in a conspicuous area on the exterior of the emergency generator enclosure. The sign shall be clearly visible from the public right-of-way. If the power source is inside a building and cannot be seen from the public right-of-way, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
11. A 704 emergency placard shall be posted at the site. The Sign shall be clearly visible from the public right-of-way.
12. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

## Engineering

13. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.
14. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water run-off associated with construction greater than one acre of activity where clearing, grading, and excavation results in a land disturbance. A construction stormwater permit shall be obtained from the Regional Water Control Board. A copy of the permit shall be given to the City of National City Engineering Department prior to issuing of a construction permit.
15. Per NCMC 13.22.060, the deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically, sixteen (16) linear feet of gutter along the driveway on East 2<sup>nd</sup> Street and approximately two hundred eighty (280) square feet of sidewalk along East 2<sup>nd</sup> Street are marked out in the field as needing replacement. Such work to be done shall not exceed, in costs, ten percent of the valuation of the building improvement permits as determined by the director of building and housing.

## Planning

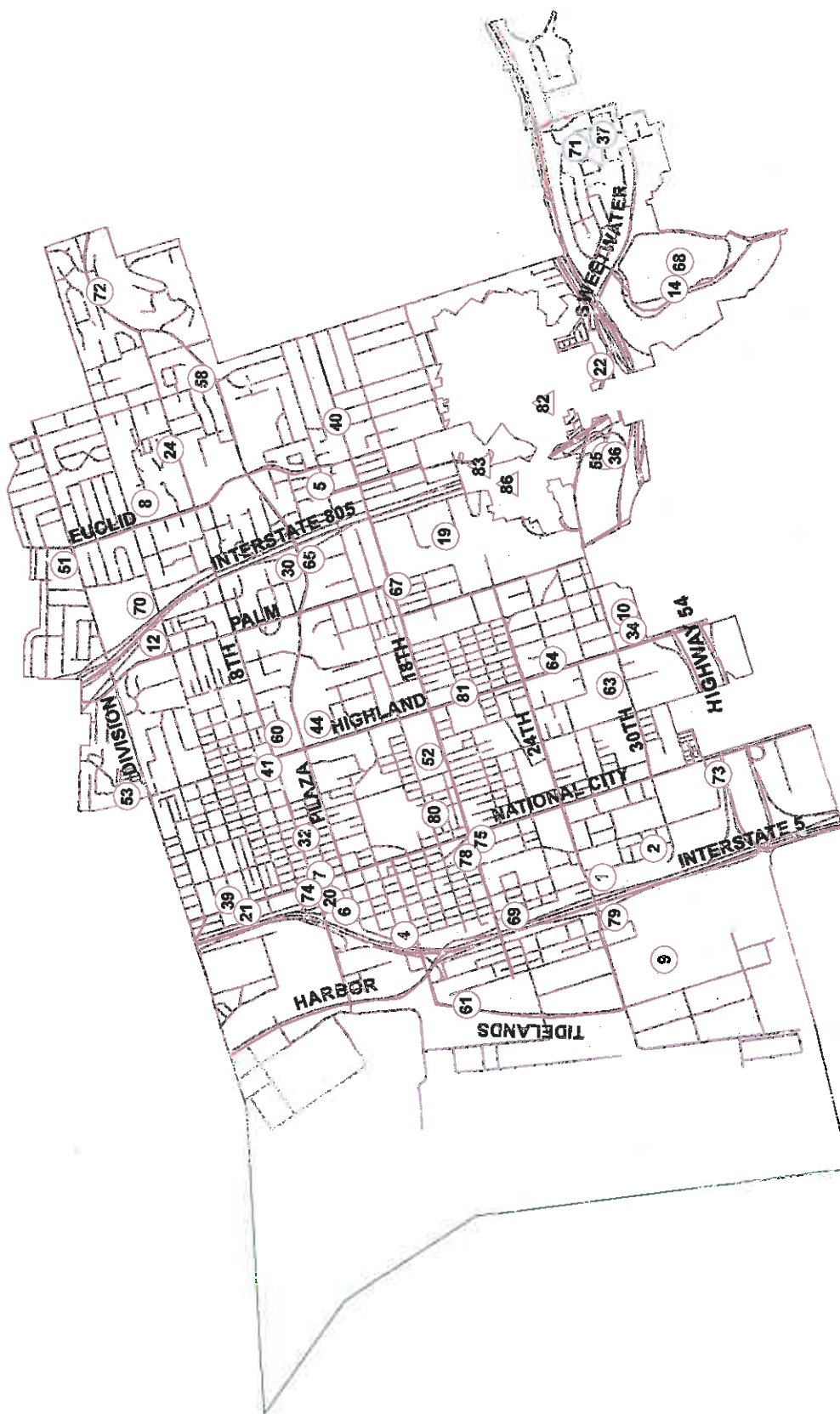
16. All operations, including ongoing and temporary/maintenance activities shall conform to the standards for noise emission as stated in Title 12 (Noise) of the National City Municipal Code.
17. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
18. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
19. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use



does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.

20. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.





- Wireless facilities in National City
- △ Wireless facilities in unincorporated area

0 1,375 2,750 5,500 Feet

# Wireless Communication Facilities



<b>FACILITY</b>	<b>APN</b>	<b>LOCATION</b>	<b>PROVIDER</b>	<b>FILE NO</b>
1	562-340-44	2434 Southport	Urban Comm Rad	CUP-1992-11
		Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna		
2	562 340 26	300 W 28th	AirTouch	CDC Reso 94-28
		75-foot monopole with three sector antennas and 450-sa foot equipment building.		
	562-340-26	300 W 28th	Nextel	CUP-2003-30
		12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment		
4	559-032-02	1215 Wilson	Pac Bell	CUP-1995-11
		Located on roof of existina building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.		
5	557-410-03	1645 E Plaza	Pac Bell	CUP-1995-13
		Located on roof of Quality Inn. PCS facility- six panel antennas and equipment cabinet.		
6	555-086-11	910 Hoover	AirTouch	CUP-1995-18
		Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet		
7	556-471-24	801 National City Blvd	AT&T	CUP-1996-2
		Located on roof of Red Lion Hotel. Paging facility- four whip antennas, one global positioning satellite antenna and equipment cabinet.		
	556-471-24	801 National City Blvd	Nextel	CUP-1994-8
		Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.		
	556-471-24	801 National City Blvd	Pagenet	CUP-1996-12
		Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.		
	556-471-24	801 National City Blvd	AT&T	CUP-1999-5
		Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base system.		
8	554-120-30	2400 E 4th	AT&T	CUP-1996-4
		Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal Positioninasatellite antenna and equipment cabinet.		
9	559-160-13	1022 W Bay Marin	GTE	CUP-1996-5
		Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.		
10	563-370-36	3007 Highland	Pac Bell	CUP-1996-6
		Located on existing Super Saver building. PCS facility- six panel antennas and two equipment cabinets.		
12	554-050-12	303 Palm	AirTouch	CUP-1996-8
		60-foot hiah monopole with six whip antennas, thirty directional cellular antennas, and three dishes with an eauidmentcabinet at base.		
	554-050-12	303 Palm	Sprint PCS	CUP-2001-10
		Located on National Guard Armory property. PCS facility six antennas in three 40-foot flag poles, one GPS antenna and a new equipment building.		



14	564-471-01	3030 Plaza Bonita Rd	Nextel	CUP-1997-8
		Located atop Plaza Bonita sign. ESMR facility- nine antennas and equipment cabinet.		
	564-471-01	3030 Plaza Bonita Rd	Pac Bell	CUP-1996-7
		Located atop the existing Plaza Bonita sign. PCS facility- three antennas and two equipment cabinets at base of sign.		
16	557-420-36	1840 E 12th	Nextel	CUP-1999-4
		60-foot monopole on vacant commercial lot.		
20	555-082-11	111 W 9th	Sprint	CUP-2000-9
		Located atop 2-story Sid's Camel Barn warehouse. Wireless communication facility- twelve wireless panel antennas and 4-inch GPS antenna.		
21	555-030-21	330 National City Blvd	GTE	CUP-2000-11
		Located atop Bay Theatre. Wireless communication facility- twelve panel antennas and four equipment cabinets.		
22	564-250-50	2435 Sweetwater	Sprint	CUP-2000-14
		Located at Sweetwater Inn. Global Positioning System with nine panel antennas.		
30	557-420-36	1905 E Plaza	Sprint PCS	CUP-2001-3
		53 foot tall monopole with nine panel antennas. PCS Facility with one equipment enclosure and a GPS antenna.		
32	556-473-18	242 E 8th	AT&T	CUP-2001-6
		Located atop an existing church.		
34	563-370-35	3007 Highland	Nextel	CUP-2001-12
		Located atop Sweetwater Square. New equipment building over trash enclosure, nine panel antennas and one GPS antenna.		
36	563-231-38	1914 Sweetwater	Cingular	CUP-2002-3
		Located on an existing 75 foot tall pole sign for the Sweetwater Town and Country Shopping Center.		
37	564-310-37	3737 Sweetwater	Cingular	CUP-2002-4
		72 foot tall monopole with standard equipment enclosure		
39	556-101-15	241 National City Blvd	Cingular	CUP-2002-6
		12 panel antennas behind four new partial parapet walls atop an existing furniture store; four equipment cabinets outside		
40	558-200-24	2415 E 18th	Cingular	CUP-2002-13
		Panel antennas located inside new light standards; equipment located inside existing commercial building		
41	556-354-13	716 Highland	AT&T	CUP-2002-14
		Six facade mounted panel antennas with equipment on roof of PacBell switching station. Equipment screened to match existing.		
44	556-590-61	1019 Highland	Sprint PCS	CUP-2002-24
		6 panel antennas in a new monument sign in the South Bay Plaza shopping center		
	556-590-61	1019 Highland	Cingular	CUP-2002-2
		Located atop South Bay Plaza on an existing mechanical equipment screen.		
51	552-283-11	2323 E Division	Sprint	CUP-2004-6
		3 panel antennas in a 9x10x16 roof-mounted cupola		



52	560-191-30	1701 D Ave	Nextel	CUP-2004-12
	12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure			
53	551-570-20	51 N Highland	Sprint	CUP-2004-15
	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets			
55	563-231-39	1914 Sweetwater	Nextel	PC Reso 20-2002
	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets			
57	554-120-24	2701 E 8th	Cingular	PC Reso 02-2001
	Co-location in church spire-3 antennas within existing architectural feature			
	554-120-24	2701 E 8th	T-Mobile	CUP-2000-19
	Located at existing church. Antennas located in a GO-foot monument.			
	554-120-24	2701 E 8th	Sprint	CUP-2000-27
	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the buildings			
	554-120-24	2701 E 8th	AT&T	CUP-2000-19
	Located at existing church. Antennas located in a 60-foot monument			
58	558-030-30	1035 Harbison	Nextel	CUP-2005-3
	12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.			
60	556-510-12	914 E 8th	Cingular	CUP-2005-10
	12 panel antennas on 39-ft monopine with 280 sq. ft. equipment shelter			
61	559-040-53	1439 Tideland's	Cingular	CUP-2005-9
	12 panel antennas on monopalm with associated equipment shelter			
	559-040-53	1445 Tideland's	Nextel	CUP-2000-31
	40-foot monopalm with three sectors of four antennas each and equipment shelter			
63	562-200-02	2900 Highland	Cingular	CUP-2005-12
	3 antennas on replacement light standard with associated equipment shelter			
64	563-010-47	2605 Highland	Crickit	CUP-2006-11
	3 antennas in new architectural feature of church with associated equipment			
	563-010-47	2605 Highland	Sprint	CUP-2002-18
	Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.			
65	557-420-31	1900 E Plaza	Crickit	CUP-2006-6
	3 antennas on new faux palm tree with associated equipment			
	557-420-31	1900 E Plaza	Cingular	CUP-2004-4
	5 panel antennas in a new pole sign at Jimmy's Restaurant			
67	561-222-23	1526-40 E 18th	T-Mobile	CUP-2006-10
	12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter			
68	564-471-07	3030 Plaza Bonita Rd	Cingular	CUP-2005-24
	12 antennas facade mounted to new rooftop enclosure that will house equipment			



68	564-471-07	3030 Plaza Bonita Rd	Verizon	CUP-2003-13
	12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall			
69	559-106-17	525 W 20th	Cricket	CUP-2005-25
	3 antennas on existing self storage building painted to match with associated equipment			
	559-106-17	525 W 20th	Sprint	CUP-2001-4
	Located on existina storage building. Wireless communication facility- 9 antennas and equipment building.			
70	554-050-15	2005 E 4th	Cricket	PC Reso 09-2003
	3 antennas on existing light standard with associated equipment shelter			
	554-050-15	2005 E 4th	Cingular	CUP-2003-5
	12 panel antennas on a replacement 100 foot light standard in ElTovon park and a 160 square foot equipment enclosure.			
	554-050-15	2005 E 4th	GTE	CUP-1998-4
	Located in ElTovon Park. Cellular facility- 97'8" monopole with twelve panel antennas, three omni antennas, and 192-sqfoot equipment building.			
	554-050-15	2005 E 4th	Nextel	CUP-2005-15
	12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft. equipment shelter			
71	564-290-06	3820 Cagle St	Cricket	PC RESO 10-2004
	3 antennas on existing faux pine tree with vaulted equipment shelter			
	564-290-06	3820 Cagle St	Sprint	CUP-2001-2
	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 35-foot pole with six antennas, equipment building and adjacent lighting for the park.			
	564-290-06	3820 Cagle St	T-Mobile	CUP-2004-3
	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 55-foot monopine with twelve panel antennas and equipment building			
	564-290-06	3820 Cagle St	Cingular	PC Reso 11-2002
	Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault			
72	669-060-26	5800 Boxer Rd	Cricket	PC RESO 32-2003
	3 antennas on existing water tower with associated equipment shelter			
	669-060-26	5800 Boxer Rd	T-Mobile	CUP-2003-16
	12 panel antennas on the outside of the 0.0. Arnold water tank and a 150 square foot equipment enclosure adjacent to the tank			
	669-060-26	5800 Boxer Rd	Sprint	PC Reso 32-2003
	6 panel antennas on the outside of the 0.0. Arnold water tank and a 360 square foot equipment enclosure adjacent			
	669-060-26	5800 Boxer Rd	Cingular	CUP-2005-21
	12 panel antennas on the outside of the 0.0. Arnold water tank and a 520 square foot equipment enclosure adjacent			
73	562-330-43	152 W 33rd	Cricket	PC Reso 21-2002
	3 antennas on existing self storage within matching architectural projection with associated equipment			
	562-330-43	152 W 33rd	Sprint	CUP-2002-8
	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the			



74	555-053-17	700 NCB	Cricket	PC Reso 05-2000
	3 antennas facade mounted to existina hotel with associated equipmen			
	555-053-17	700 NCB	Meticom	CUP-2000-4
	Located atop Holiday Inn. Wireless communication facility with equipment cabinet.			
	555-053-17	700 NCB	Skytel	CUP-2000-30
	Located atop Holiday Inn Hotel. - 8-foot whip antenna, two 4x2-foot panel antennas, and one GPS antenna with two indoor equipment cabinets.			
75	560-203-03	1800 National City Blvd	Nextel	CUP-2006-15
	15 panel antennas behindscreen wall atop existing car dealership with associated equipment			
76	561-360-35	1810 E 22nd	Cricket	2007-14 CUP
	3 antennas on recreation building at Las Palmas Park			
	561-360-35	1820 E 22nd	Sprint-Nextel	CUP-2000-8
	Located in Las Palmas Park. Monopalm and equipment along with live palms.			
78	560-143-36	1703 Hoover	Clewire	2009-22 CUP
	9 antennas located on 3 different locations on industrial/ warehouse building. Each location will have 2 pannel antennas. Associated equipment will be located in building			
79	559-160-33	700 Bay Marina Dr	Clewire	2009-23 CUP
	9 antennas on tower of Marina Gateway Plaza commercial building hidden behind parapet wall. 6-foot tall equipment cabinet on roof below tower will be mostly covered			
80	560-151-20	142 E 16th	AT&T	2010-11 CUP
	6 panel antennas and RF transparent cupola atop National City Ministry Church, as well as a 330 sq ft equipment/storage/trash enclosure on the ground. The 8-foot tall Cupola will have a cross afixed to it in order to appea as part of the church			
81	561-271-01	2005 Highland Ave	Plancom	2010-31 CUP
	12 antenas on a 43-foot mono-palm on eastern property line			
	561-271-01	2005 Highland	T-Mobile	CUP-2003-4
	12 antennas on the roof of a Highland Avenue office building			
	561-271-01	2005 Highland	Cingular	CUP-2006-2
	12 antennas on the roof of a Highland Avenue office building with new cupola to match existing			
82	563-184-47	2509 Shelby Dr		P95-025
	75-foot monopole and equipment building.			
83	563-062-17	2524 Prospect St	AT&T	ZAP99-028
	35-foot monopalm with three sector directional antenna system and equipment cabinets.			
85	564-310-32	3312 Bonita Heights Lane	AT&T	ZAP00-133
86	563-063-29	2563 Grove St	AT&T	MUP91-026W2



86	563-063-29	2563 Grove St Monopole located aside live palm trees.	P91-026W
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CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A  
WIRELESS COMMUNICATIONS FACILITY  
LOCATED AT 205 HIGHLAND AVENUE.  
CASE FILE NO.: 2015-02 CUP  
APN: 556-180-01

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, October 5, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Verizon Wireless)

The applicant proposes a new wireless telecommunications facility within a replacement storage building behind a shopping center at the southeast corner of Highland Avenue and East 2<sup>nd</sup> Street, and a new roof feature along Highland Avenue. The storage building will be increased in height from 15 to 25 feet. Operating equipment is proposed within the parking garage on the ground floor.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **October 5, 2015**, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov)

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

*For* BRAD RAULSTON  
Executive Director





CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**NOTICE OF EXEMPTION**

TO: County Clerk  
County of San Diego  
P.O. Box 1750  
1600 Pacific Highway, Room 260  
San Diego, CA 92112

**Project Title:** 2015-02 CUP

**Project Location:** 205 Highland Avenue, National City, CA, APN: 556-180-01

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for a wireless communications facility at an existing commercial shopping center. The project will increase signal strength and service area for Verizon Wireless customers.

**Applicant:**

Verizon Wireless  
15505 Sand Canyon Avenue  
Irvine, CA 92618

**Telephone Number:**

(858) 255-1416

**Exempt Status:**

☒ **Categorical Exemption. Class 3 Section 15303 (New Construction or Conversion of small structures)**

**Reasons why project is exempt:**

There is no possibility that the proposed use will have a significant impact on the environment since antennas will be completely screened by an architectural feature on the roof of and behind an existing commercial shopping center building, including the associated equipment. The proposal will not affect use of the property.

Date:

MARTIN REEDER, AICP  
Principal Planner



**RESOLUTION NO. 2015-18**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR A  
WIRELESS COMMUNICATIONS FACILITY  
LOCATED AT 205 HIGHLAND AVENUE.  
APPLICANT: VERIZON WIRELESS  
CASE FILE NO. 2015-02 CUP  
APN: 556-180-01**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a wireless communications facility located at 205 Highland Avenue at a duly advertised public hearings held on October 5, 2015, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-02 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on October 5, 2015, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in the Minor Mixed-Use Corridor zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology; and since wireless communications facilities are a conditionally-allowed use in the Minor Mixed-Use Corridor zone.
3. That the site for the proposed use is adequate in size and shape, since the proposed antennas and associated equipment are to be incorporated into an existing building and will not increase the footprint of that building, thus not affecting parking or access.



4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 12 antennas will be screened within an existing building, and as such will not be visible from adjacent properties.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 205 Highland Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits B and C, Case File No. 2015-02 CUP, dated 7/20/2015. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.



## Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.
6. Call 800-227-2600 (Underground Service Alert) for mark out prior to any digging activities.
7. Television cable companies shall be notified a minimum of 48 hours prior to filling of cable trenches.
8. Exterior walls of accessible poles/walls to a height of not less than six feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.

## Fire

9. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
10. Emergency Generator Shutdown procedures shall be posted in a conspicuous area on the exterior of the emergency generator enclosure. The sign shall be clearly visible from the public right-of-way. If the power source is inside a building and cannot be seen from the public right-of-way, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
11. A 704 emergency placard shall be posted at the site. The Sign shall be clearly visible from the public right-of-way.
12. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

## Engineering

13. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.
14. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water run-off associated with construction greater than one acre of activity where clearing, grading, and excavation results in a land disturbance. A construction stormwater permit shall be obtained from the Regional Water Control Board. A copy of the permit shall be given to the City of National City Engineering Department prior to issuing of a construction permit.
15. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically, sixteen (16) linear feet of gutter along the driveway on East 2<sup>nd</sup> Street and approximately two hundred eighty (280) square feet of sidewalk along East 2<sup>nd</sup> Street as marked out in the field.

## Planning

16. All operations, including ongoing and temporary/maintenance activities shall conform to the standards for noise emission as stated in Title 12 (Noise) of the National City Municipal Code.



17. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
18. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
19. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
20. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

**CERTIFICATION:**

This certifies that the Resolution was adopted by the Planning Commission at their meeting of October 5, 2015, by the following vote:

**AYES:** Garcia, Baca, Alvarado, Flores, Dela Paz, Yamane

**NAYS:** None

**ABSENT:** Bush

**ABSTAIN:** None

  
CHAIRPERSON



The following page(s) contain the backup material for Agenda Item: An Ordinance amending Title 18 (Zoning) Chapter 18.24.050 of the National City Municipal Code to add “Adult Day Health Care Facility” as a Conditionally-Allowed Use in the Mixed-Use Zones (Applicant Horizons Adult Day Health. (Case File 2015-16 A) (Plann



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

An Ordinance amending Title 18 (Zoning) Chapter 18.24.050 of the National City Municipal Code to add "Adult Day Health Care Facility" as a Conditionally-Allowed Use in the Mixed-Use Zones (Applicant Horizons Adult Day Health (Case File 2015-16 A))

**PREPARED BY:**  Martin Reeder, AICP

**DEPARTMENT:** Planning 

**PHONE:** 619-336-4313

**APPROVED BY:** \_\_\_\_\_

**EXPLANATION:**

The City Council held a public hearing on the proposed amendment to Title 18 (Zoning) of the National City Municipal Code at a Public Hearing on October 20, 2015. The Ordinance was introduced on the same date.

Final adoption of the attached ordinance is needed to complete the Municipal Code Amendment process

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ Finance

**ACCOUNT NO.** N/A

**APPROVED:** \_\_\_\_\_ MIS

**ENVIRONMENTAL REVIEW:**

Exempt from CEQA under section 15061(b)(3) – general rule.

**ORDINANCE:** INTRODUCTION: ☐ FINAL ADOPTION: ☒

**STAFF RECOMMENDATION:**

Adopt the Ordinance

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Ordinance



ORDINANCE NO. 2015 – 2407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
AMENDING TITLE 18 CHAPTER 18.24.050 OF THE NATIONAL CITY  
MUNICIPAL CODE TO ADD “ADULT DAY HEALTH CARE FACILITY”  
AS A CONDITIONALLY-ALLOWED USE IN THE MIXED-USE ZONES

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code; and

WHEREAS, pursuant to legal notice, hearings were held by the Planning Commission and the City Council of National City, and all persons interested were given the opportunity to appear and be heard before said Planning Commission and City Council; and

WHEREAS, the Planning Commission has regularly and duly certified its report to the City Council of National City and has recommended such amendment.

NOW, THEREFORE, the City Council does ordain as follows;

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section 2. That Chapter 18.45.020 of the National City Municipal Code be amended to add the following land use:

Land Use	Permit Required by Zone				Specific Use Regulations
	MXC-1 (a)	MXC-2	MXD-1	MXD-2	
<b>Adult Day Health Care</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	
P Permitted C Conditional use permit M Minor use permit (ministerial) — Not permitted					

PASSED and ADOPTED this 3rd day of November, 2015.

\_\_\_\_\_  
Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

\_\_\_\_\_  
Claudia Gacitua Silva  
City Attorney



The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing, 1) the Mayor to execute a 20 month Service Agreement, between the City of National City and MediFit Community Services LLC to provide aquatic services at Las Palmas Pool in an amount



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO. 1**

**ITEM TITLE:**

Resolution of the City Council of the City of National City authorizing, 1) the Mayor to execute a 20 month Service Agreement, between the City of National City and MediFit Community Services LLC to provide aquatic services at Las Palmas Pool in an amount not to exceed \$650,000; 2) the establishment of a General Fund Community Services Contract Services appropriation of \$200,000 for MediFit management fees and operating costs; 3) an increase of the General Fund Community Services Building Services internal charges appropriation by up to \$144,300 to account for gas, electric, water, and chemical costs; 4) and the establishment of a General Fund revenue budget to account for user fees of \$112,500. (Community Services)

**PREPARED BY:** Audrey Denham

**DEPARTMENT:** Community Services

**PHONE:** 619-336-4243

**APPROVED BY:** 

**EXPLANATION:**

See attached staff report.

**FINANCIAL STATEMENT:**

**APPROVED:**  Finance

**ACCOUNT NO.**

**APPROVED:** MIS

**Expenditure Account Numbers**

001-418-058-299-0000: \$200,000 (Contract Services)  
001-418-058-740-0000: \$144,300 (Building Services Charges)

**Revenue Account Number**

001-41000-3312 (Recreation Rental Revenue) \$112,500

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION: ☐ FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

See attached staff report.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Staff Report
2. Draft Lease Agreement



## Staff Report

Resolution of the City Council of the City of National City authorizing, 1) the Mayor to execute a 20 month Service Agreement, between the City of National City and MediFit Community Services LLC to provide aquatic services at Las Palmas Pool in an amount not to exceed \$650,000; 2) the establishment of a General Fund Community Services Contract Services appropriation of \$200,000 for MediFit management fees and operating costs; 3) an increase of the General Fund Community Services Building Services internal charges appropriation by up to \$144,300 to account for gas, electric, water, and chemical costs; 4) and the establishment of a General Fund revenue budget to account for user fees of \$112,500.

### Financial Summary for FY16

First, an appropriation of \$200,000 will be needed for this fiscal year to cover MediFit's management fee and operating costs. The FY16 appropriation of \$200,000 will be covered by a General Fund fund balance where additional revenues would offset the cost to operate the pool.

MediFit Management Fee	\$ 35,000
MediFit Operating Costs	\$ 165,000
	<u>\$ 200,000</u>

Second, there will be an increase to the Community Services Building Service internal charges line item for up to \$144,300 for utilities and chemicals associated with the operation of Las Palmas Pool. There will be an equal decrease to the General Fund and Library Fund Building Services internal charges line items, making it a net zero increase to the General Fund.

Electric	\$ 40,000
Gas	\$ 40,000
Water	\$ 14,000
Chemicals	\$ 50,300
	<u>\$ 144,300</u>

Third, revenues generated from Southwestern College (SWC) and Sweetwater Unified High School District (SUHSD) for pool user fees will be submitted directly to the City. For FY16, SWC has received board approval to pay user fees of \$62,500; SUHSD will be requesting board approval for user fees of \$50,000 on October 25, 2015.

SWC	\$ 62,500
SUHSD	\$ 50,000
	<u>\$ 112,500</u>



The appropriation of \$200,000 is offset by \$112,500 in revenue collected from SWC and SUHSD, making the net increased cost to the City for FY16 \$87,500.

### **Financial Summary for FY17**

For FY17, SWC has received board approval to pay user fees of \$125,000; SUHSD will be requesting board approval for user fees of \$100,000 on October 25, 2015. The following table summarizes revenues and expenses for the operation of Las Palmas Pool by MediFit in FY17:

Revenue	
Southwestern College	\$ 125,000
Sweetwater Union High School District	\$ 100,000
<hr/>	
Total Revenue	\$ 225,000
Expenditures	
Utilities (gas, electric & water)	\$ 185,000
Chemicals	\$ 65,000
MediFit Management Fee	\$ 60,000
MediFit Operating Costs	\$ 334,000
<hr/>	
Total Expenses	\$ 644,000

During the FY17 budget development process staff will include the above revenue of \$225,000 and expenditures of \$644,000 as part of the proposed budget for City Council approval. Assuming the cost of utilities and chemicals were approved each year the increase to the FY17 budget would be \$394,000. This increase is offset by \$225,000 in revenue for a net increased cost of \$169,000.

### **Capital Investment**

The City will purchase necessary capital and recreation equipment for the operation of the pool, which is approximately \$80,000. Of this amount, \$60,000 would be funded from the appropriation of \$189,525.66 from the YMCA, which is currently budgeted in the Las Palmas Park Improvements account. Approximately \$20,000 is for recreation equipment and will come out of the General Fund Community Services budget and an appropriation request will be made during the FY16 midyear process.

### **Agreement Summary**

Term, Option to Extend and Transition Period. The term of the agreement shall be for 20 months beginning November 4, 2015 and terminating on June 30, 2017. The City and MediFit may mutually agree to extend the term of the agreement for up to two additional one year terms. A request for an extension to the term must be requested no less than nine months prior to the end of the term and mutual agreement must be reached no less than six months prior to the end of the term. Should the City or MediFit decide not to extend the agreement



within the timeframe above, MediFit will work with the City to transition the operations to the City over the six month period preceding the end of the term.

Not to Exceed Amount. MediFit agrees that the management fee and operating costs, shall not exceed a total of \$650,000 over the term of the agreement.

Utility Services. The City shall be responsible for maintaining, providing and paying for utility services, including but not limited to gas, water, electricity, trash, sewer charges and telephone.

CITY Repair and Maintenance Obligations. The City shall, at its own cost and expense, repair and maintain the premises. The City is responsible for all repair and maintenance including landscape, janitorial, and facility maintenance.

Programs. MEDIFIT shall provide the following proposed activities:

- Open Swim on Saturday and Sunday throughout the year and open swim seven days a week during the months of June, July and August; as well as during the National School District two week fall break that occurs during September and/or October. In addition, consideration based on need will be given for an expanded open swim schedule during the National School District two week winter and spring breaks.
- Learn to swim classes throughout the year based on community needs. The number of classes offered will increase during the months of June, July and August. A variety of learn to swim classes for youth and adults with varying levels of experience will be offered.
- Exercise classes for various ages and abilities and offered based on community needs.

City Residents. Participants seeking day use of the premises who prove to MediFit's satisfaction that they are residents of the City shall not be required to become members of MediFit and shall be offered reduced resident rates.

Third Party Rental Groups. The City will separately collect rental revenue from third party rental groups. MediFit shall allow all City approved third party rental groups to use the premises and shall give priority use to City requests for either third party rental groups or City use for events.

Marketing. MediFit will work closely with the City and the Community Services Department in designing and implementing effective and low cost program marketing campaigns, including community outreach to find programming opportunities. MediFit will develop and launch outdoor fitness and program initiatives.



Needs Assessment. MediFit will assist the City with a needs assessment for the premises, which includes, but is not limited to, providing analysis and recommendations to improve operations and collecting input from the community through survey's and community meetings.

**Staff Recommendation**

Adopt the resolution authorizing, 1) the Mayor to execute a 20 month Service Agreement, with MediFit Community Services LLC to provide aquatic services at Las Palmas Pool; 2) establish a General Fund Community Services Contract Services appropriation of \$200,000; 3) increase the General Fund Community Services Building Services internal charges appropriation by up to \$144,300; 4) establish a General Fund revenue budget to account for user fees of \$112,500.



**SERVICE AGREEMENT  
BY AND BETWEEN  
THE CITY OF NATIONAL CITY  
AND  
MEDIFIT COMMUNITY SERVICES LLC  
FOR THE OPERATION OF LAS PALMAS POOL**

This Service Agreement (this “Service Agreement”) is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation (the “CITY”), and MEDIFIT COMMUNITY SERVICES LLC, a limited liability company (“MEDIFIT”).

**RECITALS**

- A. The CITY owns the real property commonly known as Las Palmas Pool, located at 1800 E. 22nd Street, National City, California (the “Premises”) as depicted on Exhibit A.
- B. MEDIFIT is a privately-held fitness and wellness management and consulting company and is in the business of designing, managing and operating all aspects of mixed use health, fitness and aquatics centers similar to Las Palmas Pool.
- C. The CITY wishes to have MEDIFIT operate the Las Palmas Pool with MEDIFIT programs serving the local community.
- D. The CITY is responsible for repair and maintenance of the Premises, which includes improvements, landscaping, janitorial, facility maintenance, chemical maintenance and information technology. The City desires to engage MEDFIT to operate of the Premises, which includes, personnel, programming, events and operating procedures and policies.

NOW, THEREFORE, in consideration of the foregoing facts, and in consideration of the promises and covenants hereinafter set forth, the parties agree as follows:

**ARTICLE 1  
TERM OF AGREEMENT**

1.1 Term. The term of this Service Agreement shall be for twenty (20) months beginning November 4, 2015 (the “Commencement Date”) and terminating on June 30, 2017 (such period, the “Term”).

1.2 Option to Extend Term. This Service Agreement may be extended upon mutual agreement between the parties. If either party desires an extension, the requesting party must make the request for an extension to the Term no less than nine (9) months prior to the end of the Term and mutual agreement must be reached no less than six (6) months prior to the end of the Term. At the time of an extension request, MEDIFIT and the CITY shall discuss a mutually agreed upon scope of work for the extended Term. The CITY and MEDIFIT may mutually agree to extend the Term of this Service Agreement for up to two (2) additional one (1) year terms.



1.3 Transition Period. Should the CITY or MEDIFIT decide not to extend this Service Agreement within the timeframe above, MEDIFIT will work with the CITY to transition the operations to the CITY over the six (6) month period preceding the end of the Term of this Service Agreement.

## ARTICLE 2 PREMISES AND PERSONAL PROPERTY

2.1 Facilities to be Operated. For the purpose of operating the Premises for the benefit of the citizens of National City, the CITY hereby engages MEDIFIT to operate the Premises, subject to the covenants and conditions hereinafter set forth, on the Commencement Date. Facilities to be operated include the main pool, the activity pool, the locker rooms, main pump and storage rooms and the main lobby and administrative offices (the "Facilities"). The main pool is 50 meters by 19.8 meters, with 8 lanes of 50 meters, including one 3 meter diving board and two 1 meter diving boards. The activity pool is 80 feet long and at its widest it is 45 feet wide with a total area of 81,000 square feet; it has 4 different spray features and a 16 foot high slide with a ride length of 134.58 feet. The locker rooms are enclosed by a high wall and have a large changing area, showers and restrooms. There is a main pump room adjacent to the pool along with multiple storage rooms. There is also a main lobby and administrative offices.

2.2 Ownership of Personal Property and Improvements. The rights and obligations of the parties regarding the ownership of personal property and improvements on the Premises shall be as follows:

2.2.1 All of the CITY's personal property not permanently affixed to the Premises ("Personal Property"), such as but not limited to, furnishings, office equipment and supplies shall remain the property of the CITY. All improvements existing on the Premises ("Improvements"), together with all fixtures permanently attached to the Premises ("Fixtures"), as of the Commencement Date shall remain the property of the CITY during the Term. MEDIFIT shall not remove any Personal Property, Improvements, or Fixtures from the Premises nor waste, destroy, or modify any Personal Property, Improvements, or Fixtures on the Premises. All new Improvements, together with all new Fixtures permanently attached to the Premises, after the Commencement Date shall remain the property of the CITY during the Term. MEDIFIT shall not remove any of the CITY's Personal Property, Improvements, or Fixtures from the Premises nor waste, destroy, or modify any Personal Property, Improvements, or Fixtures on the Premises.

2.2.2 All of MEDIFIT's personal property not permanently affixed to the Premises shall remain the property of MEDIFIT.

## ARTICLE 3 PERMITTED USE



3.1 Permitted Uses. MEDIFIT shall operate the Premises by providing for and facilitating the following proposed activities beginning January 2016, which may be amended or replaced from time-to-time by agreement of the authorized representatives of the parties:

3.1.1 Open Swim on Saturday and Sunday throughout the year and open swim seven (7) days a week during the months of June, July and August; as well as during the National School District two (2) week fall break that occurs during September and/or October. In addition, consideration based on need will be given for an expanded open swim schedule during the National School District two (2) week winter and spring breaks.

3.1.2 Learn to swim classes throughout the year based on community needs. The number of classes offered will increase during the months of June, July and August. A variety of learn to swim classes for youth and adults with varying levels of experience will be offered. Cancellation of classes is permitted if enrollment is under three (3) participants.

3.1.3 Exercise classes for various ages and abilities and offered based on community needs. Cancellation of classes is permitted if enrollment is under five (5) participants.

3.2 Hours of Service. MEDIFIT may provide programming between the hours of 7:00 a.m. and 10:00 p.m. seven (7) days a week beginning January 2016. Hours of service may be changed upon mutual agreement.

3.2 CITY Use. The City may use the Premises for special events including National Night Out and Summer Movies in the Park. The CITY may use the Premises for up to ten (10) additional events or programs per year. Dates and times of such uses will be agreed upon by the CITY and MEDIFIT.

3.3 Consideration. MEDIFIT's performance under this Service Agreement shall serve as the sole consideration due to the CITY for MEDIFIT's right to operate the Premises.

3.4 CITY Residents. Participants seeking day use of the Premises who prove to MEDIFIT's satisfaction that they are residents of the CITY shall not be required to become members of MEDIFIT and shall be offered reduced resident rates.

#### ARTICLE 4 SERVICES

4.1 MEDIFIT shall render the management services listed below (the "Services") to the CITY for the on-site management and supervision of the Premises. The Services shall be performed in accordance with generally accepted standards in the fitness and wellness management industry and shall be performed in accordance with such requirements or restrictions as may be imposed by any government authority. MEDIFIT shall provide the Services as follows:



4.1.1 MEDIFIT has formulated an annual budget in accordance with financial targets for net operating income/surplus and meeting agreed upon benchmarks as set forth in Exhibit B attached hereto and incorporated herein. The budget is mutually agreed upon by the CITY and MEDIFIT.

4.1.2 MEDIFIT shall endeavor to meet or exceed the revenue goals as set forth in Exhibit B through the development and execution of effective marketing and retention plans.

4.1.3 MEDIFIT shall provide learn to swim classes, open swim and other programs at affordable resident rates approved by the City.

4.1.4 MEDIFIT shall endeavor to meet or exceed budgeted net operating income/surplus goals as set forth in Exhibit B. Financial results will be monitored by and reviewed with the CITY on a monthly, quarterly and annual basis.

4.1.5 MEDIFIT shall provide quarterly reports to the City denoting National City participant numbers, total participant numbers, events and programs coordinated, total use by third parties, such as athletic teams, and any other pertinent statistics.

4.1.6 MEDIFIT shall recruit, hire and employ, as employees of MEDIFIT, all persons who will work at, or provide services to the Premises, managed by MEDIFIT in furtherance of the CITY operations (all such persons being referred to herein, collectively as "Managed Personnel"). Salaries and other expenses of Managed Personnel will be charged to CITY as an operating expense only to the extent such Managed Personnel are actually employees of MEDIFIT.

Both parties hereto in the performance of this Service Agreement will be acting in an independent capacity and not as agents, employees, partners, or joint venturers with one another. Neither MEDIFIT nor, to MediFit's knowledge, MEDIFIT'S employees are employees of the CITY, and are not entitled to any of the rights, benefits, or privileges of the CITY'S employees, including but not limited to retirement, medical, unemployment, or workers' compensation insurance.

This Service Agreement contemplates the personal services of MEDIFIT and MEDIFIT'S employees, and it is recognized by the parties that a substantial inducement to the CITY for entering into this Service Agreement was, and is, the professional reputation and competence of MEDIFIT and its employees. Neither this Agreement nor any interest herein may be assigned by MEDIFIT without the prior written consent of the CITY. Nothing herein contained is intended to prevent MEDIFIT from employing or hiring as many employees as MEDIFIT may deem necessary for the proper and efficient performance of this Service Agreement. All agreements by MEDIFIT with third parties shall require the third party to adhere to the applicable terms of this Service Agreement.



4.1.7 MEDIFIT will manage personnel, facilities and programs/services in a manner consistent with the mission and values of the CITY. MEDIFIT will provide personnel as it deems reasonably necessary to perform the Services set forth in this Service Agreement. Personnel will be trained by MEDIFIT to properly perform the Services. MEDIFIT will present the CITY with General Manager candidates for review prior to hiring. The CITY will have the right to disapprove of the General Management candidates.

4.1.8 MEDIFIT will establish and implement policies and procedures designed to operate the Premises in a manner that promotes safety, customer service and financial accountability.

4.1.9 MEDIFIT will work closely with the CITY and the Community Services Department in designing and implementing effective and low cost program marketing campaigns, including community outreach to find programming opportunities. MEDIFIT will develop and launch outdoor fitness and program initiatives.

4.1.9.1 Use by Others. MEDIFIT may allow use of the Premises to other groups or organizations such as athletic teams/clubs. Any third party group users such as athletic teams/clubs shall be required to obtain a facility use permit from the CITY, and shall pay fees to the CITY for their use of the Premises.

4.1.10 MEDIFIT will develop and enhance measurement and analytics capabilities to help optimize revenue.

4.1.11 MEDIFIT will assist the CITY with a needs assessment for the Premises, which includes, but is not limited to, providing analysis and recommendations to improve operations and collecting input from the community through survey's and community meetings.

## ARTICLE 5 EQUIPMENT

5.1 The CITY will be solely responsible for providing and equipping the Premises (including, without limitation, Automatic External Defibrillators) so that the Services may be rendered by MEDIFIT in accordance with this Service Agreement and in compliance with all applicable rules and regulations relating to the Premises and the Services. The CITY shall provide such items as office furniture and equipment, telephones, computers and software for the Premises. The CITY will also be responsible for purchasing or leasing all aquatic related exercise equipment and safety and first aid equipment necessary to operate the Premises as reasonably requested by MEDIFIT. The CITY also agrees to, at its sole expense, maintain such equipment to the best of their ability. The CITY will consider the nature and priority of the maintenance and available funding to determine if and when such repairs and maintenance will be completed.



5.2 MEDFIT shall, provide general administrative supplies and marketing materials necessary for the operation of the Premises at the City's sole cost and expense. The City shall pay for such supplies and materials within thirty (30) days of receipt of MEDIFIT's invoice therefor. MEDIFIT shall prepare and distribute marketing materials and CITY shall assist with the distribution of marketing materials.

## ARTICLE 6 UTILITIES

6.1 Utility Services. The CITY shall be responsible for maintaining utility services to the Premises, and shall provide and pay for all utilities or services necessary for its use and operation of the Premises during the Term, including but not limited to gas, water, electricity, trash, sewer charges and telephone. The CITY shall pay directly to the applicable utility company such charges, and MEDIFIT shall have no obligation to pay for such utility services.

## ARTICLE 7 REPAIRS; MAINTENANCE

7.1 CITY Repair and Maintenance Obligations. The CITY shall, at its own cost and expense, repair, maintain in good and tenantable condition, ordinary wear and tear excepted, and replace, as necessary, the Premises. The CITY is responsible for all repair and maintenance including but not limited to, landscape maintenance, janitorial maintenance and facility maintenance. The CITY shall work with MEDIFIT to maintain public safety, hygiene and fire safety of the Premises. The CITY shall consider the nature and priority of the work and available funding to determine if and when such repairs and maintenance will be completed.

7.1.1 Landscape Maintenance. The CITY is responsible for all outdoor cleaning and landscape maintenance at the Premises.

7.1.2 Janitorial Maintenance. The CITY is responsible for janitorial maintenance at the Premises, including but not limited to, routine cleaning of office, lobby, restrooms and locker rooms which includes waste removal, window cleaning, sweeping and mopping floors, and dusting and wiping counters and surfaces. The CITY is responsible for stocking janitorial items such as toiletries and cleaning supplies. The CITY has sole discretion on the frequency of cleaning and amount of janitorial items stocked.

7.1.3 Facility Maintenance. The CITY is responsible for all facility maintenance, including but not limited to, electrical, lighting, plumbing, pool chemicals, paint, flooring, HVAC systems and heat and air conditioning.

7.1.4 Information Technology. The CITY is responsible for providing internet access, telephones and support services.

7.2 MEDIFIT Repair and Maintenance Obligations. MEDFIT shall operate the Premises in a manner that promotes the safety and security of the public while MEDFIT personnel is on the Premises. Safety and security issues must be reported to the designated CITY contact promptly



and MEDIFIT personnel will endeavor to protect the safety and security of the public until the CITY can address the safety and/or security issue.

Except for normal wear and tear occurring in the ordinary course of business, MEDIFIT agrees to repair or replace any damage or injury done to the Premises, or Personal Property, or any part thereof, caused by MEDIFIT or MEDIFIT's agents, employees or invitees, at MEDIFIT's own cost and expense. If MEDIFIT fails to make such repairs or replacements promptly, CITY may, at its option, make such repairs or replacements, and MEDIFIT shall repay the cost thereof to the CITY within ten (10) days of written demand. However, for any repair work, costing over Five Hundred and no/100 Dollars (\$500.00) to be performed by MEDIFIT or MEDIFIT's agents, MEDIFIT shall not perform such repair work without the CITY's prior written consent. Any repairs or replacements in or to the Premises, other than repair work in emergency situations, which would require an expenditure exceeding Five Thousand and no/100 Dollars (\$5,000.00) and which constitute a "public project" under Section 20161 of the California Public Contract Code, shall be contracted for/by CITY and let to the lowest responsible bidder after notice.

7.3 CITY Right to Inspect. MEDIFIT shall permit the CITY to enter the Premises at all times to inspect the Premises, provided, however, that such entry shall not unreasonably interfere with MEDIFIT's operation of the Premises. Nothing contained in this Article 7, however, shall be construed as creating any duty on the part of the CITY to do any work which, under any provision of this Agreement, MEDIFIT may be required to do.

7.4 Prevailing Wages. MEDIFIT shall, pay prevailing wages if required by law for work performed on the Premises.

## ARTICLE 8 FEES AND PAYMENT TERMS

8.1 Fees. The CITY shall pay MEDIFIT a monthly base management fee, actual payroll and staffing expenses and marketing and administrative costs as set forth in this Article 8.1 and Exhibit B.

8.1.1 Base Management Fee. As compensation for the Services, the CITY shall pay MEDIFIT a monthly base management fee (the "Base Management Fee") for each month beginning November 4, 2015 (prorated for any partial months at the beginning or end of the Term) in the amount of \$5,000 per month throughout the Term and the Base Management Fee shall be invoiced monthly. The Base Management Fee shall be due thirty (30) days after receipt of invoice therefor.

8.1.2 Payroll and Staffing Expenses. MEDIFIT shall recruit, hire and employ, as employees of MEDIFIT, all persons who will work at, or provide services at the Premises. Monthly payroll and staffing expenses are estimated as set forth in Exhibit B and will be charged to the CITY as an operating expense only to the extent such Managed Personnel are actually employees of MEDIFIT.



8.1.3 Marketing and Administrative Costs. MEDFIT shall, provide such items as general administrative supplies and marketing materials necessary for the operation of the Premises. Monthly marketing and administrative costs are estimated as set forth in Exhibit B and the cost of the marketing materials and the administrative supplies shall be paid for by the City within thirty (30) days after receipt of an invoice setting forth the amount of such costs.

8.2 Payment Terms. The CITY shall pay MEDIFIT ninety percent (90%) of the estimated monthly operating expenses as set forth in Exhibit B on or before the first (1<sup>st</sup>) day of every month. At the end of the month MEDIFIT shall submit an invoice for the remaining balance due.

8.2.1 90% Monthly Payment. Commencing on December 1, 2015 the CITY will pay to MEDIFIT, on or before the first (1<sup>st</sup>) day of every month, an amount equal to ninety percent (90%) of MEDIFIT's budgeted monthly Base Management Fee, estimated payroll and staffing expenses, and estimated marketing and administrative costs, as set forth in Exhibit B. The initial payment shall be payable on the first (1<sup>st</sup>) day of December 2015. The remainder of the actual monthly payment shall be paid as set forth in 8.1.3.

8.1.3 Monthly Balance Due Payment. MEDIFIT shall submit an invoice for the remaining balance due each month in which Services are rendered. To the extent applicable, each invoice will reflect the monthly Base Management Fee, actual payroll and staffing expenses and actual marketing and administrative costs together with all amounts payable to MEDIFIT as set forth in Exhibit B, less any payments or revenue received during the month in which Services are rendered. Upon request, MEDIFIT shall submit to the CITY supporting documentation for payroll and staffing expenses and marketing and administrative costs. Supporting documentation may be, but is not limited to, copies of payroll and receipts for purchases.

8.3 Not to Exceed Amount. MEDIFIT agrees that the combined base management fee, payroll and staffing fees, and marketing and administrative costs, shall not exceed a total of \$650,000 over the Term of this Agreement. Should the parties agree to extend the Service Agreement, Article 8.3 must be negotiated and mutually agreed upon.

8.4 Third Party Rental Groups. The CITY will separately collect and retain rental revenue from third party rental groups. MEDIFIT shall allow all CITY approved third party rental groups to use the Premises and shall give priority use to CITY requests for either third party rental groups or CITY use for events.

8.5 Revenue Collected by MEDIFIT. Revenue collected by MediFit for its programing of open swim, learn to swim, and exercise classes will be collected and handled by MEDIFIT. MEDIFIT shall submit daily cash receipts to the CITY each month with the monthly balance due invoice.

8.6 Notwithstanding any other provision contained herein, in the event that CITY's outstanding balance for fees and charges to MEDIFIT is greater than ninety (90) days past due, MEDIFIT will have the right to immediately and unilaterally terminate this Agreement.



8.7 The CITY shall be responsible for all sales, use and excise taxes, and any other similar taxes, duties and charges of any kind imposed by any federal, state or local governmental entity on any amounts payable by the CITY hereunder.

## ARTICLE 9 TAXES

9.1 Definition. "Taxes" shall mean all taxes, governmental bonds, special assessments, charges, or transfer taxes, license and transaction fees, including, but not limited to, (i) any state, local, federal income tax, or any real or personal property tax, (ii) increases in taxes attributable to MEDIFIT's operation of the Premises, or (iii) any taxes which are essentially payments to a governmental agency, other than the CITY, for the right to make improvements to the Premises. MEDIFIT recognizes and agrees that this agreement may create a possessory interest subject to property taxation and that MEDIFIT may be subject to the payment of taxes levied on such interest. MEDIFIT agrees to pay, before delinquency, all taxes, assessments and fees assessed or levied upon the Premises.

9.2 Responsibility for Payment of Taxes. The CITY shall not be obligated to pay any Taxes accruing against MEDIFIT.

## ARTICLE 10 INDEMNIFICATION AND INSURANCE

10.1 MEDIFIT's Indemnity. MEDIFIT agrees to defend, indemnify and hold harmless the City of National City, its officers and employees, against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suites, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of the MEDIFIT'S performance or other obligations under this Agreement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CITY, its agents, officers, or employees. The indemnity, defense, and hold harmless obligations contained herein shall survive the termination of this Operating Agreement for any alleged or actual omission, act, or negligence under this Operating Agreement that occurred during the term of this Operating Agreement.

10.2 Insurance. MEDIFIT, at its sole cost and expense, shall purchase and maintain, and shall require its subcontractors, when applicable, to purchase and maintain throughout the term of this Service Agreement, the following checked insurance policies:

A. ☒ If checked, **Professional Liability** Insurance (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. **Automobile Insurance** covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles ("any auto"). The policy shall name the CITY and its officers, agents and



employees as additional insureds, and a separate additional insured endorsement shall be provided.

C. **Commercial General Liability Insurance**, with minimum limits of \$5,000,000 per occurrence and \$10,000,000 aggregate, covering all bodily injury and property damage arising out of its operations under this Service Agreement. The policy shall name the CITY and its officers, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to this “project” or “location”.

D. **Workers’ Compensation Insurance** in an amount sufficient to meet statutory requirements covering all of MEDIFIT’S employees and employers’ liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the City. Said endorsement shall be provided prior to commencement of work under this Service Agreement.

If MEDIFIT has no employees subject to the California Workers’ Compensation and Labor laws, MEDIFIT shall execute a Declaration to that effect. Said Declaration shall be provided to MEDIFIT by CITY.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY of cancellation or material change.

F. If required insurance coverage is provided on a “claims made” rather than “occurrence” form, the MEDIFIT shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Service Agreement. In addition, the “retro” date must be on or before the date of this Service Agreement.

G. Insurance shall be written with only California admitted companies that hold a current policy holder’s alphabetic and financial size category rating of not less than A VIII according to the current Best’s Key Rating Guide, or a company equal financial stability that is approved by the CITY’S Risk Manager. In the event coverage is provided by non-admitted “surplus lines” carriers, they must be included on the most recent California List of Eligible Surplus Lines Insurers (LESLI list) and otherwise meet rating requirements.

H. This Service Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY’S Risk Manager. If the MEDIFIT does not keep all of such insurance policies in full force and effect at all times during the terms of this Service Agreement, the CITY may elect to treat the failure to maintain the requisite insurance as a breach of this Service Agreement and terminate the Service Agreement as provided herein.

I. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY.

## ARTICLE 11 TERMINATION

11.1 This Service Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon 60-day’s written notice to MEDIFIT. During said 60-day period MEDIFIT shall perform all services in accordance with this Service Agreement. This Service Agreement may also be terminated immediately by the CITY for cause



in the event of a material breach of this Service Agreement, misrepresentation by MEDIFIT in connection with the formation of this Service Agreement or the performance of services, or the failure to perform services as directed by the CITY. Termination with or without cause shall be effected by delivery of written Notice of Termination to MEDIFIT as provided for herein. The CITY further reserves the right to immediately terminate this Service Agreement upon: (1) the filing of a petition in bankruptcy affecting MEDIFIT; (2) a reorganization of MEDIFIT for the benefit of creditors; or (3) a business reorganization, change in business name or change in business status of MEDIFIT.

11.2 This Service Agreement may be terminated by MEDIFIT by notice to the CITY, at any time if (1) the CITY becomes insolvent or admits its inability to pay its debts generally as they become due, (2) the CITY becomes subject, voluntarily or involuntarily, to any proceeding under any domestic or foreign bankruptcy or insolvency law, which is not fully stayed within seven (7) days or is not discussed or vacated within forty-five (45) days after filing, (3) the CITY is dissolved or liquidated or takes any action for such purpose, (4) the CITY makes a general assignment for the benefit of creditors, or (5) the CITY has a receiver, trustee, custodian or similar agent appointed by order of any court of competent jurisdiction to take charge of or sell any material portion of its property or business.

11.3 Upon termination of this Agreement, within thirty (30) days of the termination MEDIFIT shall return to the CITY all property of the CITY, and MEDIFIT shall remove all property of MEDIFIT at MEDIFIT's expense.

## ARTICLE 12 HAZARDOUS MATERIALS

12.1 Hazardous Materials Laws-Definition. As used in this Article, the term "Hazardous Materials' Laws" means any and all federal, state or local laws or ordinances, rules, decrees, orders, regulations or court decisions (including the so-called "common law"), including without limitation the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C., sec.9601 et seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C., sec.1801 et seq.), and the Resource Conservation and Recovery Act of 1986, as amended (42 U.S.C., sec. 6901 et seq.), relating to hazardous substances, hazardous materials, hazardous waste, toxic substances, environmental conditions on, under or about the Premises, soil and ground water conditions or other similar substances or conditions.

12.2 Hazardous Materials - Definition. As used in this Section the term "Hazardous Materials" means any chemical, compound, material, substance or other matter that:

12.2.1 is a flammable, explosive, asbestos, radioactive nuclear medicine, vaccine, bacteria, virus, hazardous waste, toxic, overtly injurious or potentially injurious material, whether injurious or potentially injurious by itself or in combination with other materials;



12.2.2 is controlled, referred to, designated in or governed by any Hazardous Materials Laws;

12.2.3 gives rise to any reporting, notice or publication requirements under any Hazardous Materials Laws, or

12.2.4 is any other material or substance giving rise to any liability, responsibility or duty upon the CITY or MEDIFIT with respect to any third person under any Hazardous Materials Law.

12.3 MEDIFIT Representations and Warranties. MEDIFIT represents and warrants that, during the Term or any extension thereof, MEDIFIT shall comply with the following provisions of this Section unless otherwise specifically approved in writing by CITY, subject to the terms and conditions of MEDIFIT maintenance obligations provided elsewhere in this Service Agreement:

12.3.1 MEDIFIT shall not cause or authorize any Hazardous Materials to be brought, kept or used in or about the Premises by MEDIFIT, its agents, employees, assigns, contractors or invitees, except as required by MEDIFIT's permitted use of the Premises in the normal course of operations;

12.3.2 Any handling, transportation, storage, treatment or usage by MEDIFIT of Hazardous Materials that is to occur on the Premises following the Commencement Date shall be in compliance with all applicable Hazardous Materials Laws;

12.3.3 Any leaks, spills, release, discharge, emission or disposal of Hazardous Materials which may occur on the Premises following the Commencement Date shall be promptly reported in writing to CITY;

12.3.4 No friable asbestos shall be constructed, placed on, deposited, stored, disposed of, or located by MEDIFIT in the Premises;

12.3.5 No underground improvements, including but not limited to treatment or storage tanks, or water, gas or oil wells shall be located by MEDIFIT on the Premises without CITY's prior written consent;

12.3.6 MEDIFIT shall promptly supply the CITY with copies of all notices, reports, correspondence, and submissions made by MEDIFIT to the United States Environmental Protection Agency, the United Occupational Safety and Health Administration, and any other local, state or federal authority which requires submission of any information concerning environmental matters or hazardous wastes or substances pursuant to applicable Hazardous Materials' Laws with respect to the Premises; and

12.3.7 MEDIFIT shall promptly notify the CITY of any liens threatened or attached against the Premises pursuant to any Hazardous Materials' Law.

## ARTICLE 13 ASSIGNMENT



13.1 CITY's Consent Required. MEDIFIT shall not voluntarily or involuntarily assign or otherwise transfer all or any portion of its rights and duties under this Agreement without the CITY's prior written consent. Any attempted assignment or transfer without the CITY's prior written consent shall be void.

#### ARTICLE 14 DEFAULTS BY MEDIFIT; REMEDIES

14.1 Events of Default; Remedies. If MEDIFIT neglects or fails to perform or observe any of its obligations under the terms, covenants, or conditions contained in this Service Agreement within thirty (30) days after written notice of default or, when more than thirty (30) days shall be required because of the nature of the default, if MEDIFIT fails to cure such default after written notice thereof, then MEDIFIT shall be liable to the CITY for any and all damages sustained by the CITY as a result of MEDIFIT breach and the CITY may terminate this Service Agreement.

#### ARTICLE 15 DEFAULTS BY CITY; REMEDIES

15.1 Events of Default; Remedies. If the CITY neglects or fails to perform or observe any of its obligations under the terms, covenants, or conditions contained in this Service Agreement within thirty (30) days after written notice of default or, when more than thirty (30) days shall be required because of the nature of the default, if the CITY fails to cure such default after written notice thereof, then the CITY shall be liable to MEDIFIT for any and all damages sustained by MEDIFIT as a result of the CITY's breach and MEDIFIT may terminate this Service Agreement.

#### ARTICLE 16 DAMAGE OR DESTRUCTION

17.1 CITY Duty to Repair Casualty. Except as provided in this article and subject to the terms and conditions of MEDIFIT maintenance obligations provided elsewhere in this Service Agreement, should the Premises be damaged by fire, earthquake, or any other identifiable event of a sudden, unexpected, or unusual nature (Casualty), the CITY, at the CITY's sole discretion may repair any damages to the Premises, and may repair, restore and replace any such damaged or destroyed Fixtures, Improvements or Personal Property. In the event the City decides not to repair any damage, and such damage renders the Premises inoperable, the City may terminate this agreement as provided in Article 11 (Termination).

17.2 No Abatement. In the event of reconstruction, replacement or repair, MEDIFIT shall continue its operations on the Premises during any such period to the extent reasonably practicable from the standpoint of prudent business management, and in continuing compliance with applicable laws and regulations. MEDIFIT shall not be entitled to any compensation or damages from the CITY for loss of use of the whole or any part of the Premises, MEDIFIT's Personal Property, or any inconvenience or annoyance occasioned by such damage, reconstruction or replacement.



17.3 Major Destruction. Notwithstanding any of the foregoing provisions of this Article to the contrary, if, at any time after the Commencement Date, (i) the Improvements are damaged or destroyed to the extent of more than twenty-five percent (25%) of their replacement cost, or (ii) the damage is such that the Improvements cannot be repaired and restored within one hundred and eighty (180) days after the Casualty, then MEDIFIT shall have the right to terminate this Service Agreement upon thirty (30) days' prior written notice to CITY.

## ARTICLE 18 EMINENT DOMAIN

18.1 Condemnation. If all of the Premises is taken under eminent domain proceedings by a party other than CITY, or, if less than all of the Premises is taken under such proceeding and the part taken substantially impairs the ability of MEDIFIT to use the remainder of the Premises for the purposes permitted by this Service Agreement, then MEDIFIT may terminate this Service Agreement as of the date that the condemning authority takes possession by delivery of written notice of such election within twenty (20) days after MEDIFIT has been notified of the taking or, in the absence thereof, within twenty (20) days after the condemning authority shall have taken possession.

18.2 Continuation of Service Agreement After Condemnation. If this Service Agreement is not terminated by MEDIFIT, it shall remain in full force and effect as to any portion of the Premises remaining, and this Service Agreement will end as of the date possession of the part taken by the public entity as to the part of the Premises that is taken.

18.3 Award. All monies awarded in any condemnation shall belong to the CITY. The CITY shall have no liability to MEDIFIT for any award not provided by the condemning authority.

## ARTICLE 19 SALE OR MORTGAGE BY CITY

19.1 Sale or Mortgage. Subject to MEDIFIT rights under this Service Agreement, CITY may, pursuant to existing and subsequently enacted CITY ordinances and State laws, at any time and without the consent of MEDIFIT, sell, purchase, exchange, transfer, assign, lease, encumber or convey CITY interest in whole or in part, in the Park (collectively referred to in this Article as a "Sale"). CITY shall provide to MEDIFIT written notice of CITY intent to a Sale pursuant to this Article at least ninety (90) days prior to said proposed transfer.

19.2 Release on Sale. From and after a Sale of the CITY's entire interest in the Premises, upon payment of all amounts due or owing to MediFit, the CITY shall be released from all liability to MEDIFIT and MEDIFIT successors and assigns arising from this Agreement because of any act, occurrence or omission of the CITY occurring after such Sale.

## ARTICLE 20 SUBORDINATION; ATTORNMENT



20.1 Subordination. Without the necessity of any other document being executed and delivered by MEDIFIT, this Service Agreement is and shall be junior, subject and subordinate to any existing or future permits or approvals issued by the United States of America or any local, State or federal agency affecting the control or operation of the Premises; MEDIFIT shall be bound by the terms and provisions of such permits or approvals. In addition, this Service Agreement is and shall also be subject, subordinate and junior to all mortgages, deeds of trust, and other security instruments of any kind covering the Premises, or any portion thereof, as of the Commencement Date of this Service Agreement.

## ARTICLE 21 CITY'S RIGHT OF ACCESS

21.1 Right of Entry. The CITY, its agents, employees, and contractors may enter the Premises at any time in response to an emergency, and, at reasonable hours to (a) inspect the Premises and Improvements; (b) determine whether MEDIFIT is complying with its obligations in this Service Agreement (including its obligations with respect to compliance with Hazardous Materials Laws); (c) post notices of nonresponsibility or similar notices; (d) inspect the progress of construction of any improvement; or (e) make repairs that this Service Agreement requires or allows the CITY to make, or make repairs to any adjoining space or utility services, or make repairs, alterations, or improvements to any other portion of the Premises; provided, however, that all work will be done as promptly as reasonably possible and so as to cause as little interference to MEDIFIT as reasonably possible.

## ARTICLE 22 NOTICES

22.1 Notices. Whenever in this Service Agreement it shall be required or permitted that notice or demand be given or served by either party to this Service Agreement to or on the other, such notice or demand shall be in writing, mailed or personally delivered to the other party at the addresses specified below. Mailed notices shall be sent by United States Postal Service, postage prepaid and shall be deemed to have been given, delivered and received three (3) business days after the date such notice or other communication is posted by the United States Postal Service. All other such notices or other communications shall be deemed given, delivered and received upon actual receipt. Either party may, by written notice delivered pursuant to this provision, at any time designate a different address to which notices shall be sent.

CITY: City of National City  
Attention: Leslie Deese, City Manager  
City of National City  
1243 National City Boulevard  
National City, CA 91950-4301

MEDIFIT: MEDIFIT Community Services LLC  
Attention: Dan Burns, Chief Executive Officer and  
V. Carl Walker, General Council  
25 Hanover Road



Building A, Suite 104  
Florham Park, New Jersey 07932

## ARTICLE 23 NONDISCRIMINATION

23.1 Nondiscrimination. MEDIFIT hereby covenants by and for itself, its successors, assigns and all persons claiming under or through it, that this Service Agreement is made and accepted upon and subject to the condition that there shall be no discrimination against, or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the use, operation, or enjoyment of the Premises.

## ARTICLE 24 RECORDS, ACCOUNTS AND AUDITS

24.1 MEDIFIT Duty to Keep Records. MEDIFIT shall, at all times during the Term, and for a period of five (5) years following expiration or earlier termination of this Service Agreement, keep or cause to be kept, true and complete books, records and accounts of all financial transactions in the operation of all business activities, of whatever nature, conducted pursuant to the rights granted by this Agreement. The books, records and accounts must be supported by source documents such as sales slips, cash register tapes, purchase invoices or other pertinent documents.

24.2 CITY's Right to Audit. The CITY shall have the right at any reasonable times, upon reasonable notice, to examine and perform audits of MEDIFIT's records pertaining to its operations on the Premises. The cost of said audits shall be borne by the CITY; however, MEDIFIT shall provide to the CITY at MEDIFIT's expense, necessary data to enable CITY to fully comply with each and every requirement of the State of California or by the United States of America for information or reports relating to this Service Agreement and to MEDIFIT's use of the Premises.

## ARTICLE 25 GENERAL PROVISIONS

25.1 Authority. MEDIFIT represents and warrants that it has full power and authority to execute and fully perform its obligations under this Service Agreement pursuant to its governing instruments, without the need for any further action, and that the person executing this Service Agreement on behalf of MEDIFIT is the duly designated agent of MEDIFIT and is authorized to do so.

25.2 Captions. The captions and headings appearing in this Service Agreement are inserted for convenience only and in no way define, limit, construe, or describe the scope or intent of the provisions of this Service Agreement.



25.3 CITY Approval. Except where stated herein to the contrary, the phrases "CITY approval," and "CITY written approval" or such similar phrases shall mean approval of the City Manager of National City or said person's representative as authorized by said person in writing.

25.4 Compliance with Laws. MEDIFIT, shall procure, maintain and hold available for the CITY's inspection, any governmental license or permit required for the proper and lawful conduct of MEDIFIT operation of the Premises. MediFit shall invoice the CITY for expenses related to any governmental license or permit required for the proper and lawful conduct of MEDIFIT operation of the Premises. Except, the expense of the environmental health permit to operate a pool issued by the County of San Diego, Department of Environmental Health shall be paid by the CITY to the County of San Diego. MEDIFIT shall not use the Premises for any use or purpose in violation of the laws of the United States of America, or the laws, ordinances, regulations, orders or requirements of the State of California, the County of San Diego, the CITY, or of other lawful authorities. MEDIFIT shall, at its expense, comply promptly with all applicable statutes, laws, ordinances, rules, regulations, orders, covenants and restrictions of record, and requirements in effect during the Term (Laws or Orders), regulating the use by MEDIFIT of the Premises.

25.5 Cumulative Remedies. In the event of a default under this Service Agreement, each party's remedies shall be limited to those remedies set forth in this Service Agreement; any such remedies are cumulative and not exclusive of any other remedies under this Service Agreement to which the non-defaulting party may be entitled.

25.6 Entire Agreement. This Service Agreement, together with all addenda, exhibits and riders attached hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous agreements, understandings and representations, oral or written, are superseded.

25.7 Exhibits. All exhibits referred to herein are attached hereto and incorporated by reference:

Exhibit A: Depiction of Las Palmas Pool

Exhibit B: Budget

25.8 Force Majeure. If either party is prevented or delayed from performing any act or discharging any obligation hereunder, because of any and all causes beyond either party's reasonable control, including unusual delays in deliveries, abnormally adverse weather conditions, unavoidable casualties, strikes, labor disputes, inability to obtain labor, materials or equipment, acts of God, governmental restrictions, regulations or controls, any hostile government actions, civil commotion and fire or other casualty, legal actions attacking the validity of this Service Agreement or the CITY or MEDIFIT operations of the Premises, or any other casualties beyond the reasonable control of either party ("Force Majeure"), performance of such act shall be excused for the period of such delay, and the period for performance of such act shall be extended for a period equivalent to the period of such delay. Force Majeure shall not include any bankruptcy, insolvency, or other financial inability on the part of either party hereto.



25.9 Governing Law. This Service Agreement shall be governed, construed and enforced in accordance with the laws of the State of California.

25.10 Independent Contractor. MEDIFIT acknowledges that it is an independent contractor; that it alone retains control of the manner of conducting its activities in furtherance of this Service Agreement; and that it, as well as any persons, contractors or agents it may employ, are not employees of CITY for any purpose.

25.11 Interpretation. The provisions of this Service Agreement shall be liberally construed to effectuate its purpose. The language of all parts of this Service Agreement shall be construed simply according to its plain meaning and shall not be construed for or against either party.

25.13 Modification. The provisions of this Service Agreement may not be modified, except by a written amendment signed by both parties.

25.14 Partial Invalidity. If any provision of this Service Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Service Agreement shall not be affected thereby. Each provision shall be valid and enforceable to the fullest extent permitted by law.

25.15 Successors & Assigns. This Service Agreement shall be binding on and inure to the benefit of the parties and their successors and assigns, except as may otherwise be provided herein. MEDIFIT shall not assign this Service Agreement to any other party unless approved in writing by CITY.

25.16 Time of Essence. Time is of the essence of each and every provision of this Service Agreement.

25.17 Waiver. No provision of this Service Agreement or the breach thereof shall be deemed waived, except by written consent of the party against whom the waiver is claimed.

IN WITNESS WHEREOF, the CITY and MEDIFIT have duly executed this Service Agreement as of the day and year first above written.



**CITY OF NATIONAL CITY  
(CITY)**

By: \_\_\_\_\_  
Ron Morrison, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Claudia Gacitua Silva  
City Attorney

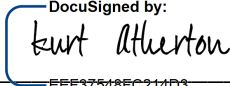
**MEDIFIT COMMUNITY SERVICES LLC  
(MEDIFIT)**

*(Corporation – signatures of two corporate officers required.)*

By: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Print)

\_\_\_\_\_  
(Title)

By:  \_\_\_\_\_  
(Name)

\_\_\_\_\_  
Kurt Atherton  
(Print)

\_\_\_\_\_  
President  
(Title)



EXHIBIT A  
DEPICTION OF THE PREMISES

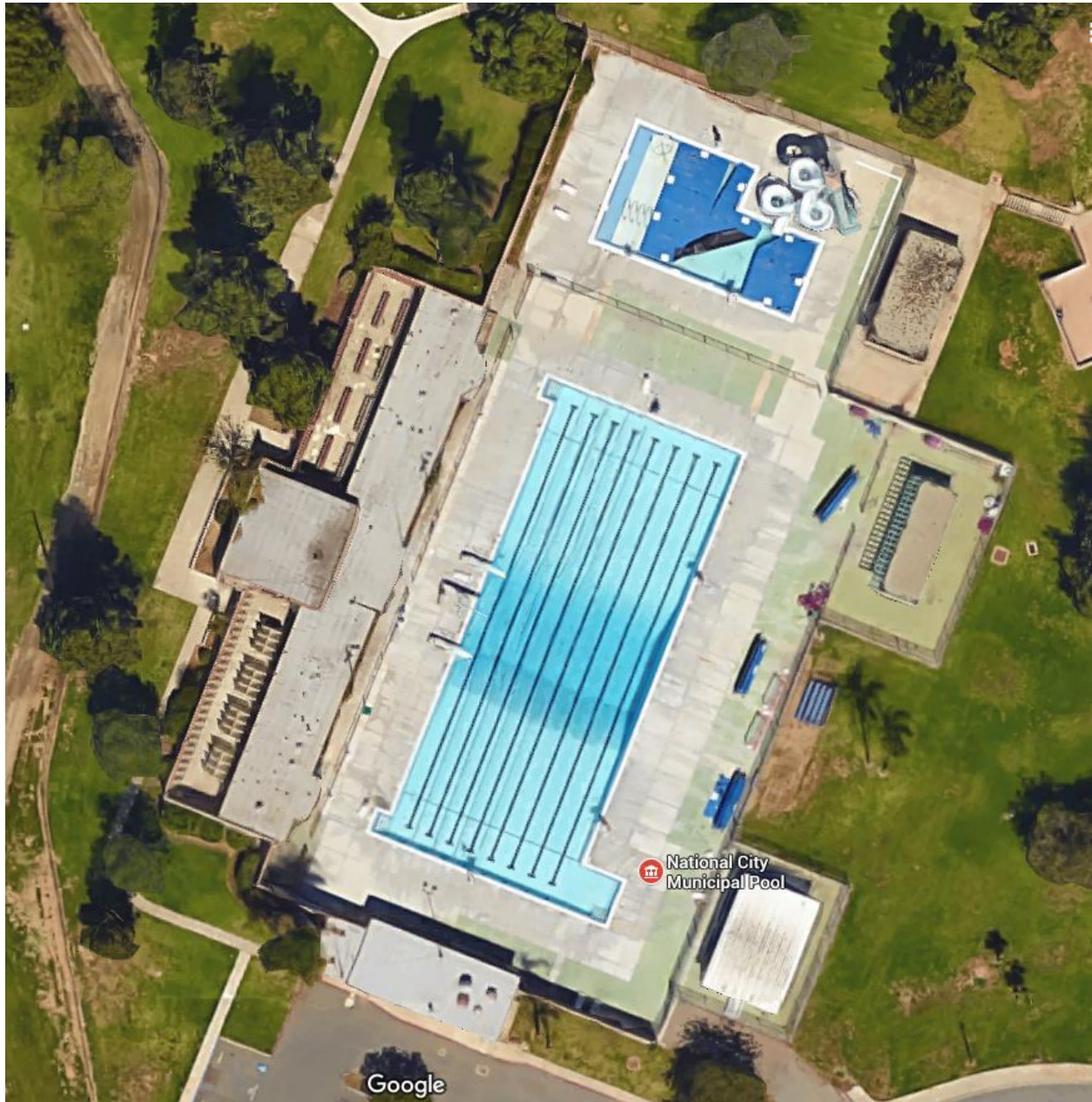




EXHIBIT B  
BUDGET

	<b>FY16 Totals</b>	<b>FY17 Totals</b>	<b>GRAND TOTAL</b>
<b>Expenses</b>			
<i><b>Payroll and Staffing Expenses</b></i>			
Salary-Managers	\$ 33,000	\$ 66,000	\$ 99,000
Wages-Guards for Recreational Swim & Lessons*	\$ 37,850	\$ 76,330	\$ 114,180
Wages-Administrative staff for recreational swim/public access	\$ 8,116	\$ 8,724	\$ 16,840
Wages-Learn to Swim Classes/Lessons*	\$ 8,417	\$ 16,834	\$ 25,250
Wages-Courses/Certification/Clinics	\$ -	\$ -	\$ -
Wages-Guards for Sweetwater Unified High School District programs	\$ 14,714	\$ 35,448	\$ 50,162
Wages-Guards for Southwestern College programs	\$ 14,714	\$ 35,448	\$ 50,162
Wages-Aquatic Group Exercise Classes	\$ 4,890	\$ 13,008	\$ 17,898
Payroll Burden-26% of payroll	\$ 31,642	\$ 61,699	\$ 93,341
<b>Sub-Total</b>	<b>\$ 153,343</b>	<b>\$ 313,491</b>	<b>\$ 466,834</b>
<i><b>Marketing and Administrative Costs</b></i>			
Advertising & Marketing-Other	\$ 3,000	\$ 6,000	\$ 9,000
Dues & Membership	\$ -	\$ 200	\$ 200
Meeting Expense (mandatory monthly staff meetings)	\$ 1,225	\$ 2,450	\$ 3,675
Uniforms	\$ 500	\$ 500	\$ 1,000
Locker Room Supplies	\$ 3,000	\$ 6,000	\$ 9,000
Office Supplies & Expenses	\$ 900	\$ 1,800	\$ 2,700
Travel-Mileage Reimbursement/Parking/Tolls	\$ 350	\$ 350	\$ 700
Program Supplies & Expenses	\$ 1,500	\$ 2,400	\$ 3,900
<b>Sub-Total</b>	<b>\$ 10,475</b>	<b>\$ 19,700</b>	<b>\$ 30,175</b>
<i><b>Base Management Fee</b></i>	<b>\$ 35,000</b>	<b>\$ 60,000</b>	<b>\$ 95,000</b>
<b>Total Expenses</b>	<b>\$ 198,818</b>	<b>\$ 393,191</b>	<b>\$ 592,009</b>
<b>Revenue</b>			
Recreational Swim	\$ -	\$ -	\$ -
Learn to Swim Classes/Lessons	\$ -	\$ -	\$ -
Courses/Certification/Clinics	\$ -	\$ -	\$ -
<b>Total Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
AUTHORIZING THE MAYOR TO EXECUTE A 20-MONTH SERVICE AGREEMENT  
BETWEEN THE CITY OF NATIONAL CITY AND MEDIFIT COMMUNITY SERVICES, LLC,  
TO PROVIDE AQUATIC SERVICES AT LAS PALMAS POOL IN AN AMOUNT NOT TO  
EXCEED \$650,000; ESTABLISHING A GENERAL FUND COMMUNITY SERVICES  
CONTRACT SERVICES APPROPRIATION OF \$200,000 FOR MEDIFIT MANAGEMENT  
FEES AND OPERATING COSTS; INCREASING THE GENERAL FUND COMMUNITY  
SERVICES BUILDING SERVICES INTERNAL CHARGES APPROPRIATION BY UP TO  
\$144,300 TO ACCOUNT FOR GAS, ELECTRIC, WATER, AND CHEMICAL COSTS;  
AND THE ESTABLISHING A GENERAL FUND REVENUE BUDGET  
TO ACCOUNT FOR USER FEES IN THE AMOUNT OF \$112,500

WHEREAS, the City of National City owns the real property commonly known as  
Las Palmas Pool, located at 1800 East 22nd Street, National City (the “Premises”); and

WHEREAS, MediFit is a privately-held fitness and wellness management and  
consulting company and is in the business of designing, managing, and operating all aspects of  
mixed use health, fitness and aquatics centers similar to Las Palmas Pool; and

WHEREAS, the City desires to enter into an Agreement with MediFit for the  
operation the Las Palmas Pool with MediFit programs serving the local community; and

WHEREAS, pursuant to the Agreement the City will be responsible for repair and  
maintenance of the Premises, which includes improvements, landscaping, janitorial, facility  
maintenance, chemical maintenance, and information technology; and

WHEREAS, MediFit will be responsible for the operation of the Premises, which  
includes, personnel, programming, events, and operating procedures and policies; and

WHEREAS, an appropriation of \$200,000 is necessary for this fiscal year to  
cover MediFit’s management fee and operating costs. The appropriation will be covered by a  
General Fund fund balance where additional revenues would offset the cost to operate the pool;  
and

WHEREAS, an increase to the Community Services Building Service internal  
charges line item for up to \$144,300 is required for the cost of utilities and chemicals associated  
with the operation of Las Palmas Pool, and an equal decrease to the General Fund and Library  
Fund Building Services internal charges line items, making it a net zero increase to the General  
Fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of  
National City hereby authorizes the Mayor to execute a 20-month Service Agreement, with  
MediFit Community Services, LLC, to provide aquatic services at Las Palmas Pool.

BE IT FURTHER RESOLVED that the City Council authorizes the establishment of  
a General Fund Community Services Contract Services appropriation of \$200,000.

BE IT FURTHER RESOLVED that the City Council authorizes an increase to the  
General Fund Community Services Building Services internal charges appropriation by up to  
\$144,300.



Resolution No. 2015 –  
Page Two

BE IT FURTHER RESOLVED that the City Council authorizes the establishment of a General Fund revenue budget to account for user fees of \$112,500.

PASSED and ADOPTED this 3rd day of November, 2015.

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Ron Morrison, Mayor

ATTEST:

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Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

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Claudia Gacitua Silva  
City Attorney



The following page(s) contain the backup material for Agenda Item: Temporary Use Permit - Safe Routes to School (S.R.T.S.) Safety and Wellness Festival hosted by the National City Police Department and Rady's Children's Hospital on November 19, 2015 from 12 p.m. to 4 p.m. at Las Palmas Park. (Neighborhood Services)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Temporary Use Permit – S.R.T.S. (Safe Routes to School) Safety and Wellness Festival hosted by the National City Police Department and Rady's Children's Hospital on November 19, 2015 from 12 p.m. to 4 p.m. at Las Palmas Park.

**PREPARED BY:** Dionisia Trejo |

**DEPARTMENT:** Neighborhood Services Department

**PHONE:** (619) 336-4255 |

**APPROVED BY:** 

**EXPLANATION:**

This is a request from the National City Police Department, in conjunction with Rady's Children's Hospital San Diego Safe Routes to School Program to conduct a Safety & Wellness Festival at Las Palmas Park, in the north parking lot on November 19, 2015 from 12 p.m. to 4 p.m. This event will feature educational booths with interactive activities. The participants will have the opportunity to participate in a bike rodeo and they will also be entered into a raffle to win bikes and helmets. The NCPD and NCFD will be present with their service vehicles on display.

The purpose of this event is to provide the community with an educational information that teaches students and community members about safety and wellness.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

The City has incurred \$237.00 for processing the TUP through the various City departments and \$213.84 for Public Works.

Total fees are \$450.84 |

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION: ☐ |

**FINAL ADOPTION:** ☐ |

**STAFF RECOMMENDATION:**

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees. |

**BOARD / COMMISSION RECOMMENDATION:**

N/A |

**ATTACHMENTS:**

Application for a Temporary Use Permit with recommended approvals and conditions of approval. |



## EVENT INFORMATION

### Type of Event:

☐ Public Concert  
☐ Parade  
☐ Motion Picture

☐ Fair  
☐ Demonstration  
☐ Grand Opening

☐ Festival  
☐ Circus  
☐ Other \_\_\_\_\_

☒ Community event  
☐ Block Party

Event Title: S.R.T.S. Safety and Wellness Festival

Event Location: Las Palmas Park

Event Date(s): From 11/19/15 to 11/19/15

Actual Event Hours: 1200 PM to 1600 PM

Total Anticipated Attendance: 225 ( 225 Participants 0 Spectators)

Setup/assembly/construction Date: 11/19/15 Start time: 1200 PM

Please describe the scope of your setup/assembly work (specific details): \_\_\_\_\_

The set up would consist of setting up 10 booths (10x10 canopies and tables) related to safety and wellness.

Dismantle Date: 11/19/15 Completion Time: 1600 PM

List any street(s) requiring closure as a result of this event. Include street name(s), day and time of closing and day and time of reopening.

There would be no streets closures required for this event. However the use of the north parking lot would be required in order to have the proposed bike rodeo and static display booths.

## APPLICANT AND SPONSORING ORGANIZATION INFORMATION

Sponsoring Organization: National City Police/Rady's Children's Hospital

Chief Officer of Organization (Name): Officer Sal Gil & Elyana Delgado

Applicant (Name): Elyana Delgado

Address: 1200 National City Blvd.

Daytime Phone: 619-654-6636 Evening Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ E-Mail: edelgado@rchsd.org

Contact Person "on site" day of the event: Elyana Degado Cellular: 619-654-6636

**NOTE: THIS PERSON MUST BE IN ATTENDANCE FOR THE DURATION OF THE EVENT AND IMMEDIATELY AVAILABLE TO CITY OFFICIALS**



## FEES/PROCEEDS/REPORTING

Is your organization a "Tax Exempt, nonprofit" organization? ☒ YES ☐ NO

Are admission, entry, vendor or participant fees required? ☐ YES ☒ NO

If YES, please explain the purpose and provide amount(s): N/A

\$0 Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$0 Estimated Expenses for this event.

\$0 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

## OVERALL EVENT DESCRIPTION ROUTE MAP/SITE DIAGRAM/SANITATION

Please provide a **DETAILED DESCRIPTION** of your event. Include details regarding any components of your event such as the use of vehicles, animals, rides or any other pertinent information about the event.

This event will have about 10 educational booths with interactive activities. The NCPD and NCFD will be present with their vehicles, a bike rodeo will be facilitated. Student and families from the schools around National City will be encouraged to participate. (see attached document for details).

☐ YES ☒ NO If the event involves the sale of cars, will the cars come exclusively from National City car dealers?

If NO, list any additional dealers involved in the sale: N/A

☐ YES ☒ NO Does the event involve the sale or use of alcoholic beverages?

☐ YES ☒ NO Will items or services be sold at the event? If yes, please describe:

N/A



## OVERALL EVENT DESCRIPTION CONTINUED

☐ YES ☒ NO Does the event involve a moving route of any kind along streets, sidewalks or highways? If YES, attach a detailed map of your proposed route indicate the direction of travel, and provide a written narrative to explain your route.

☒ YES ☐ NO Does the event involve a fixed venue site? If YES, attach a detailed site map showing all streets impacted by the event.

☒ YES ☐ NO Does the event involve the use of tents or canopies? If YES: Number of tent/canopies 10 Sizes 10x10  
NOTE: A separate Fire Department permit is required for tents or canopies.

☐ YES ☒ NO Will the event involve the use of the City or your stage or PA system?  
SPECIFY: \_\_\_\_\_

In addition to the route map required above, please attach a diagram showing the overall layout and set-up locations for the following items:

☐ Alcoholic and Nonalcoholic Concession and/or Beer Garden areas.  
☐ Food Concession and/or Food Preparation areas. Please describe how food will be served at the event: \_\_\_\_\_

If you intend to cook food in the event area please specify the method:

     GAS      ELECTRIC      CHARCOAL      OTHER (Specify): \_\_\_\_\_

☒ Portable and/or Permanent Toilet Facilities  
Number of portable toilets: 0 (1 for every 250 people is required, unless the applicant can show that there are facilities in the immediate area available to the public during the event)

☐ Tables # \_\_\_\_\_ and Chairs # \_\_\_\_\_

☒ Fencing, barriers and/or barricades

☐ Generator locations and/or source of electricity

☒ Canopies or tent locations (include tent/canopy dimensions)

☒ Booths, exhibits, displays or enclosures

☐ Scaffolding, bleachers, platforms, stages, grandstands or related structures

☐ Vehicles and/or trailers

☐ Other related event components not covered above

Trash containers and dumpsters

(Note: You must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition.) Number of trash cans: 8 Trash containers with lids: 0

Describe your plan for clean-up and removal of waste and garbage during and after the event:  
There will be 5 trash cans placed throughout the venue and any trash generated will be disposed of properly.



## **SAFETY/SECURITY/ACCESSIBILITY**

Please describe your procedures for both Crowd Control and Internal Security:

The event is co-sponsored by the police department and officers will be present during the event.

☐ YES ☒ NO Have you hired any Professional Security organization to handle security arrangements for this event? If YES, please list:

Security Organization: \_\_\_\_\_

Security Organization Address: \_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

☐ YES ☒ NO Is this a night event? If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators:

\_\_\_\_\_  
\_\_\_\_\_

Please indicate what arrangement you have made for providing First Aid Staffing and Equipment.  
There will be AMR medics will have a static display at the event and provide any First Aid treatment if needed.

Please describe your Accessibility Plan for access at your event by individuals with disabilities:  
The event will be held in the north parking lot of the Las Palmas park which already has accessibility for a disabilities.

## **PARKING PLAN/MITIGATION OF IMPACT**

Please provide a detailed description of your PARKING plan:

There is public parking between 1800-2200 Newell St. and the south parking lot of the Las Palmas Park that can be used by event participants.

Please describe your plan for DISABLED PARKING:

The south parking lot of the park and the Camacho Gym parking lots have designated disabled parking that could be used for the event.

Please describe your plans to notify all residents, businesses and churches impacted by the event:

The event would be promoted through the school district email, social media and word of mouth two weeks prior to the event.

**NOTE: Neighborhood residents must be notified 72 hours in advance when events are scheduled in the City parks.**



## ENTERTAINMENT/ATTRACTIONS AND RELATED EVENT ACTIVITIES

☐ YES ☒ NO Are there any musical entertainment features related to your event? If YES, please state the number of stages, number of bands and type of music. Number of Stages: \_\_\_\_\_ Number of Bands: \_\_\_\_\_ Type of Music: \_\_\_\_\_

☐ YES ☒ NO Will sound amplification be used? If YES, please indicate:  
Start time: \_\_\_\_\_ AM Finish Time \_\_\_\_\_ PM

☐ YES ☒ NO Will sound checks be conducted prior to the event? If YES, please indicate:  
Start time: \_\_\_\_\_ PM Finish Time \_\_\_\_\_ PM  
Please describe the sound equipment that will be used for your event:  
\_\_\_\_\_  
\_\_\_\_\_

☐ YES ☒ NO Fireworks, rockets, or other pyrotechnics? If YES, please describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ YES ☒ NO Any signs, banners, decorations, special lighting? If YES, please describe:  
\_\_\_\_\_  
\_\_\_\_\_



# City of National City

## PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of Insurance must be attached to this permit.

Organization National City Police/Rady's Children's Hospital

Person In Charge of Activity Elyana Delgado

Address 1200 National City Blvd

Telephone 619-654-6636 Date(s) of Use 11/19/15

### HOLD HARMLESS AGREEMENT

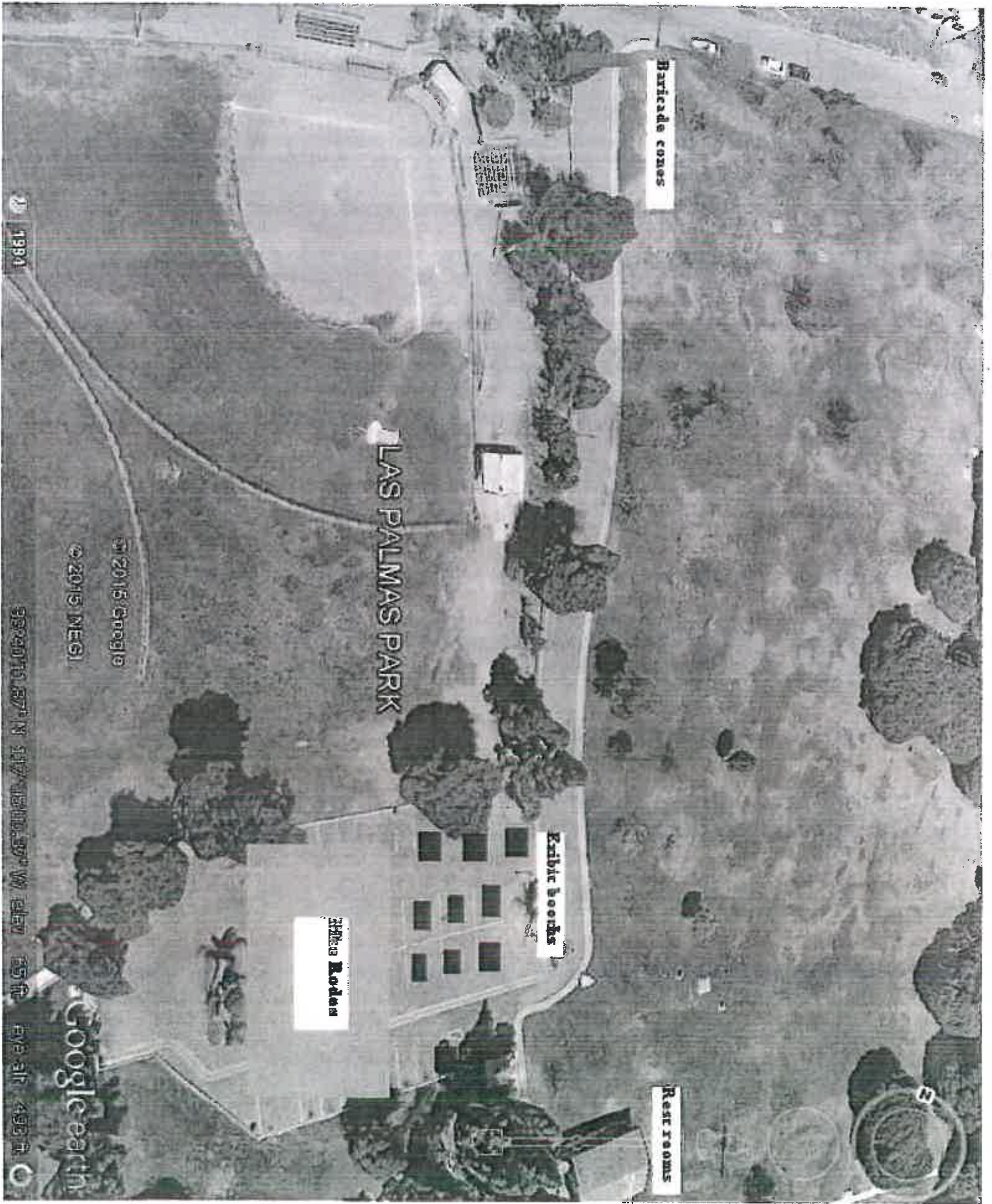
As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant Official Title Date

Elyana Delgado 10/15/15  
For Office Use Only

Certificate of Insurance Approved \_\_\_\_\_ Date 11/19/15







**Rady Children's Hospital San Diego Safe Routes to School Program has been working with the National City Community for over two years. The SRTS team has partnered with the City of National City, National City Police Department, National City Fire Department and the National School District on various occasions to co-host multiple community events such as our big annual Walk to School Day. This year the SRTS team and the NCPD School Resource Officers (SRO's) have seen the need to provide the community with an educational event that teaches students and community members about Safety and Wellness.**

**The SRTS team and NCPD SRO's have collaborated to put together a Safety and Wellness Festival. This event will be a great opportunity to provide the National City Community with great educational information. We plan to have a variety of organizations with static displays to teach participants about safety and wellness. The participants will have the opportunity to participate in a bike rodeo and they will also be entered into a raffle to win bikes and helmets.**

**Set up is scheduled to begin in the North Parking Lot at 12:00pm with the event kicking off at 1:30pm, event will end at 3:30pm and clean-up will conclude at 4:00pm.**

**Bellow we have listed the different organizations that will be present at the Safety and Wellness Festival:**

**National City Police Department  
National City Fire Department  
National School District Wellness Council Committee  
Rady Children's Hospital- Safe Routes to School  
Dairy Council of California  
Olivewood Gardens  
YMCA REACH  
National School District CNS Department  
American Heart Association (AHA)  
Olympic Training Center  
American Medical Response (AMR)  
Hub Spoke-Bike Rodeo  
Kohi's Transportation Safety Program at Rady Children's Hospital San Diego**



**CITY OF NATIONAL CITY  
NEIGHBORHOOD SERVICES DIVISION  
APPLICATION FOR A TEMPORARY USE PERMIT  
RECOMMENDATIONS AND CONDITIONS**

**SPONSORING ORGANIZATION:** National City Police Department and Rady's Children's Hospital  
**EVENT:** S.R.T.S. Safety and Wellness Festival  
**DATE OF EVENT:** November 19, 2015  
**TIME OF EVENT:** 12 p.m. to 4 p.m.

**APPROVALS:**

DEVELOPMENT SERVICES	YES [ x ]	NO [   ]	SEE CONDITIONS [ x ]
RISK MANAGER	YES [ x ]	NO [   ]	SEE CONDITIONS [   ]
PUBLIC WORKS	YES [ x ]	NO [   ]	SEE CONDITIONS [ x ]
FINANCE	YES [ x ]	NO [   ]	SEE CONDITIONS [ x ]
FIRE	YES [ x ]	NO [   ]	SEE CONDITIONS [ x ]
POLICE	YES [ x ]	NO [   ]	SEE CONDITIONS [ x ]
CITY ATTORNEY	YES [ x ]	NO [   ]	SEE CONDITIONS [ x ]

**CONDITIONS OF APPROVAL:**

**RISK MANAGER (619) 336-4370**

Provide valid copy of insurance certificate naming the City of National City.

Provide Additional insured endorsement naming the City of National City as an additional named insured.

**PUBLIC WORKS (619)366-4580**

**Parks Division**

Per Miguel Diaz the softball and baseball games start after 4:30 p.m. This event will be completed before the games commence.

**Street Division**

1. Staff will barricade effected parking lot and remove then when the event is completed.
2. Staff will post "No Parking" signs along effected parking lot.
3. The cost to provide street personal support for this event is estimated to be.

Man Hrs.	4 X \$32.57 = \$130.28
Equipment Hrs.	4 X \$19.09 = \$ 76.36
No Parking signs	40 X \$ 0.45 = \$ 7.20
Total	\$213.84



### CITY ATTORNEY

Requires an indemnification and hold harmless agreement, and a policy of general liability insurance, with the City and its officials, employees, agents and volunteers as additional insureds, with amounts of coverage to be determined by the Risk Manager.

### FIRE

**NO INSPECTION FEE'S REQUIRED DURING  
BUSINESS HOURS**

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Stipulations required by the Fire Department for this event are as follows:

- 1) Access to the street to be maintained at all times, Fire Department connections for fire sprinkler systems, hydrants, standpipes, etc.
- 2) Fire Department access into and through the booth/tent areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches
- 3) Fire Hydrants shall not be blocked or obstructed
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s)
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s)
- 6) If applicable, concession stands utilized for cooking shall have a minimum of 10 feet of clearance on two sides
- 7) If applicable, all cooking booths or areas to have one 2A:10BC. If grease or oil is used in cooking a 40:BC or class "K" fire extinguisher will be required. All fire extinguishers to have a current State Fire Marshal Tag attached.



- 8) If Charcoal is being used, provide metal cans with lids and label "HOT COALS ONLY" for used charcoal disposal
- 9) A fire safety inspection is to be conducted by the Fire Department prior to operations of the event to include all cooking areas etc. if applicable
- 10) Required inspections taking place, after hours, holidays, and weekends will be assessed a minimum of two hundred (\$200.00) dollars
- 11) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only
- 12) If tents or canopies are used, tents having an area in excess of 200 square feet and or canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. A ten feet separation distance must be maintained between tents and canopies. A permit from the Fire Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet "State Fire Marshal approval for cooking***

Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$250.00
501 – 600 sf -	\$300.00
601 – 700 sf -	\$400.00

Tents:

0 –200 sf -	\$200.00
201 – (+) sf -	\$400.00

FINANCE

No Business License necessary.

POLICE

The SRTS group is working closely with the police department on this event. The event will be maintained within the park and will have little impact in the surrounding areas. We (police) will be assisting with the traffic coordination of the event, which should make this process much easier.



The following page(s) contain the backup material for Agenda Item: Presentation and Discussion of post-redevelopment financing mechanisms recently adopted by the state legislature: Community Revitalization Investment Authorities (AB 2) and Enhanced Infrastructure Financing Districts (SB 628/AB 313). (City Attorney & Co



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Presentation and Discussion of post-redevelopment financing mechanisms recently adopted by the state legislature: Community Revitalization Investment Authorities (AB 2) and Enhanced Infrastructure Financing Districts (SB 628/AB 313).

**PREPARED BY:** Claudia G. Silva      Brad Raulston

**PHONE:**                      Ext. 4222                      Ext. 4256

**DEPARTMENT:** City Attorney and  
Community Development

**APPROVED BY:** 

**APPROVED BY:** 

**EXPLANATION:**

The state legislature recently adopted legislative changes allowing for the creation of Community Revitalization Investment Authorities (sometimes referred to as Redevelopment 2.0) and revisions to Enhanced Infrastructure Financing Districts. Staff will be presenting an overview (via PowerPoint) of these new legislative tools, including their requirements, capabilities, and constraints.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.** |

N/A

**APPROVED:** \_\_\_\_\_ **Finance**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION: ☐

FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

File presentation.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**



The following page(s) contain the backup material for Agenda Item: Dispensing with the January 5, 2016 Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City. (City Clerk)



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** November 3, 2015

**AGENDA ITEM NO.** \_\_\_\_\_


**ITEM TITLE:**

Dispensing with the January 5, 2016 Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City. (City Clerk)

**PREPARED BY:** Michael R. Dalla

**DEPARTMENT:** City Clerk

**PHONE:** 619-336-4226

**APPROVED BY:** \_\_\_\_\_ 

**EXPLANATION:**

See attached memo.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_

**ENVIRONMENTAL REVIEW:**

**ORDINANCE:** INTRODUCTION: ☐ FINAL ADOPTION: ☐

**STAFF RECOMMENDATION:**

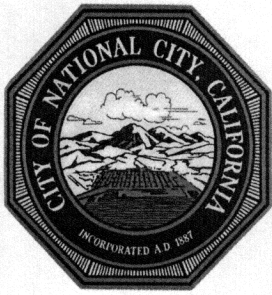
Adopt a motion dispensing with the January 5, 2016 Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

Memo to the Mayor and Members of the City Council





**City of National City  
Office of the City Clerk**

1243 National City Blvd., National City, CA 91950-4397  
619-336-4226 / 619-336-4229 fax

Michael R. Dalla – City Clerk

November 3, 2015

TO: Honorable Mayor and City Council

FROM: Michael Dalla, City Clerk

SUBJECT: Dispensing with the Regular Meeting of January 5, 2016

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The City Council approved work furlough will result in City Hall being closed from December 21, 2015 until January 4, 2016. In addition, during a portion of the furlough some modifications are scheduled to be made to the City Council Chamber. Consequently, the first Regular Council Meeting of the year on January 5, 2016 well need to be dispensed with which is in keeping with recent past practice in conjunction with the holiday furlough.

**RECOMMENDATION**

In order to provide the public with proper notice of the January meeting schedule, it is recommended that you: Adopt a motion dispensing with the January 5, 2016 Regular Meeting of the City Council / Community Development Commission – Housing Authority.